



# Title V Operating Permit

Permit No: **TV-OP-032**

Date Issued: **September 29, 2000**

This certifies that:

**Wheelabrator Concord Company, L.P.**  
**11 Whitney Road**  
**Penacook, NH 03303**

has been granted a Title V Operating Permit for the following facility and location:

**Wheelabrator Concord Company, L.P.**  
**11 Whitney Road**  
**Penacook, NH 03303**  
**AFS Point Source Number – 3301300102**

This Title V Operating Permit is hereby issued under the terms and conditions specified in the Title V Operating Permit Application filed with the New Hampshire Department of Environmental Services on **April 4, 1996 and revised on September 15, 1998** under the signature of the following responsible official certifying to the best of their knowledge that the statements and information therein are true, accurate and complete.

Responsible Official:

**Ray Soulard**  
**Plant Manager**  
**(603) 753-8411**

Technical Contact:

**Theodore Clark**  
**EH&S Director**  
**(603) 753-8411**

This Permit is issued by the New Hampshire Department of Environmental Services, Air Resources Division pursuant to its authority under New Hampshire RSA 125-C and in accordance with the provisions of Code of the Federal Regulations 40 Part 70.

This Title V Operating Permit shall expire on **September 30, 2005**

**SEE ATTACHED SHEETS FOR ADDITIONAL PERMIT CONDITIONS**

For the New Hampshire Department of Environmental Services, Air Resource Division

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Director, Air Resources Division

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## Facility Specific Title V Operating Permit Conditions

### I. Facility Description of Operations

Wheelabrator Concord Company, L.P. (Wheelabrator Concord) operates a resource recovery facility (RRF) that burns municipal solid waste (MSW) in two boilers to generate steam. Wheelabrator Concord converts the steam to electricity in a steam driven turbine for sale to the local utility and use in-house.

The MSW is delivered by truck to an enclosed solid waste receiving building where it is emptied into a storage pit. The MSW is fed into each boiler's charging hopper by a grapple. Reciprocating grates distribute and mix the MSW within each of the boilers. Each boiler is equipped with two auxiliary propane gas-fired burners. Primary, or under-fire, combustion air is supplied under the reciprocating grates. Secondary, or over-fire, air is provided through nozzles located in the front and rear furnace walls. The flue gas runs through pollution control equipment that controls mercury, particulate matter and other pollutants. Each boiler stack is equipped with a continuous emissions monitoring system (CEMS) and a continuous opacity monitoring system (COMS).

The high pressure, superheated steam generated in the boilers is transported to the turbine/generators. The maximum capacity rating of the facility's turbine/generator is 16 megawatts per hour.

The quenched bottom ash is transported via a drag conveyor to an ash handling room. The ash is loaded into containers and stored under cover until it is transported to the landfill. A wet scrubber controls particulate matter emissions in the ash handling room.

### II. Permitted Activities

In accordance with all of the applicable requirements identified in this permit, the permittee is authorized to operate the devices and or processes identified in Sections III, IV, V and VI within the terms and conditions specified in this Permit.

### III. Significant Activities Identification and Stack Criteria

#### A. Significant Activity Identification

The activities identified in the following table (Table 1) are subject to and regulated by this Title V Operating Permit:

Table 1 – Significant Activity Identification			
Emission Unit Number	Description of Emission Unit	Maximum Gross Heat Input or Maximum Power Output	Maximum Operating Conditions
EU01	Von Roll Waterwall Boiler Unit #1— Babcock and Wilcox Serial No. 137-1012	107.82 mmBtu/hr (heat input)	Maximum charge rate of 23,960 lb/hr of municipal solid waste (MSW) and 68,900 lb/hr steam flow based upon type 2 waste and 4,500 Btu/hr. Maximum MSW throughput is 104,950 tons/year for this device. MSW is limited to types 0, 1, 2, 3, and 6 wastes.

**Table 1 – Significant Activity Identification**

<b>Emission Unit Number</b>	<b>Description of Emission Unit</b>	<b>Maximum Gross Heat Input or Maximum Power Output</b>	<b>Maximum Operating Conditions</b>
			The maximum firing rate of the auxiliary burners equipped on this device shall be limited to 18 mmBtu/hr each, for a total of 36 mmBtu/hr.
EU02	Von Roll Waterwall Boiler Unit #2— Babcock and Wilcox Serial No. 137-1013	107.82 mmBtu/hr (heat input)	Maximum charge rate of 23,960 lb/hr of municipal solid waste (MSW) and 68,900 lb/hr steam flow based upon type 2 waste and 4,500 Btu/hr. Maximum MSW throughput is 104,950 tons/year for this device. MSW is limited to types 0, 1, 2, 3, and 6 wastes. The maximum firing rate of the auxiliary burners equipped on this device shall be limited to 18 mmBtu/hr each, for a total of 36 mmBtu/hr.

**B. Stack Criteria**

The following stacks for the above listed significant devices at this facility shall discharge vertically without obstruction (no rain caps, but with a silencer) and meet the following criteria in accordance with the state-only modeling requirements specified in Env-A 1300 and Env-A 1400:

**Table 2 – Stack Criteria**

<b>Stack Number</b>	<b>Emission Unit Number</b>	<b>Emission Unit Description</b>	<b>Minimum Stack Height (Feet) Above Ground Level</b>	<b>Maximum Stack Diameter (Feet)</b>	<b>Minimum Exhaust Air Flow (acfm)</b>
ST01	EU01	Von Roll Waterwall Boiler Unit #1	240	4	32,000
	EU02	Von Roll Waterwall Boiler Unit #2	240	4	32,000

Preauthorized changes to the state-only requirements<sup>1</sup> pertaining to stack parameters (set forth in this permit), shall be permitted only when an air quality impact analysis which meets the criteria of Env-A 606 is performed either by the facility or the New Hampshire Department of Environmental Services, Air Resources Division (if requested by facility in writing) in accordance with the “DES Policy and Procedure for Air Quality Impact Modeling.” All air modeling data shall be kept on file at the facility for review by the DES upon request.

**IV. Insignificant Activities Identification**

All activities at this facility that meet the criteria identified in the New Hampshire Rules Governing the Control of Air Pollution Part Env-A 609.03(g) shall be considered insignificant activities. Emissions from

<sup>1</sup> The term “state-only requirements” is used to refer to those requirements that are not federally enforceable but are state requirements as defined in Env-A 101.259.

the insignificant activities shall be included in the total facility emissions for the emission-based fee calculation described in Section XXIV. of this Permit.

## **V. Exempt Activities Identification**

All activities identified in the New Hampshire Rules Governing the Control of Air Pollution Env-A 609.03(c) shall be considered exempt activities and shall not be subject to or regulated by this Title V Operating Permit.

## **VI. Pollution Control Equipment Identification**

The devices and/or processes identified in Table 3 are considered pollution control equipment or techniques for each identified emissions unit:

<b>Table 3 – Pollution Control Equipment Identification</b>		
<b>Pollution Control Equipment Number</b>	<b>Description of Equipment</b>	<b>Emission Unit Number</b>
<b>Prior to final compliance date in Section VIII J for 40 CFR 62 Subpart FFF</b>		
PC01	Baghouse (Reverse Pulse Jet Fabric Filter)	EU01
PC02	Baghouse (Reverse Pulse Jet Fabric Filter)	EU02
PC03	Dry Lime Injection System	EU01
PC04	Dry Lime Injection System	EU02
PC05	Thermocouple System	EU01
PC06	Thermocouple System	EU02
<b>After final compliance date in Section VIII J for 40 CFR 62 Subpart FFF</b>		
PC01	Baghouse (Reverse Pulse Jet Fabric Filter)	EU01
PC02	Baghouse (Reverse Pulse Jet Fabric Filter)	EU02
PC07	Powdered Activated Carbon Injection System	EU01
PC08	Powdered Activated Carbon Injection System	EU02
PC09	Spray Dryer Absorber	EU01
PC10	Spray Dryer Absorber	EU02
PC11	Selective Non-Catalytic Reduction System	EU01
PC12	Selective Non-Catalytic Reduction System	EU02

## **VII. Alternative Operating Scenarios**

No alternative operating scenarios were identified for this Permit.

## **VIII. Applicable Requirements**

### **A. State-only Enforceable Operational and Emission Limitations**

The Permittee shall be subject to the state-only operational and emission limitations identified in Table 4 below.

**Table 4 – State-Only Enforceable Operational and Emission Limitations**

<b>Item #</b>	<b>Regulatory Cite</b>	<b>Applicable Emission Unit</b>	<b>Applicable Requirement</b>
1.	Env-A 1305.01(a)	Facility wide	New or modified devices, new or modified area sources, and existing devices or area sources for which new applications for permits are filed that have the potential to emit, in any amount, substances that meet the criteria of Env-A 1301 shall be subject to Env-A 1300, until such time as the Env-A 1400 requirements supersede the Env-A 1300 requirements as outlined below.
2.	Env-A 1305.02	Facility wide	Air quality impact analysis of devices and area sources emitting substances meeting the criteria of Env-A 1301 shall be performed in accordance with the “DES Policy and Procedure for Air Quality Impact Modeling” or other comparable dispersion modeling methods approved by EPA.
3.	Env-A 1403.01	Facility wide	New or modified devices or processes installed after May 8, 1998 shall be subject to the requirements of Env-A 1400 ( <i>Regulated Toxic Air Pollutants</i> ).
4.	Env-A 1403.02(a)	Facility wide	All existing unmodified devices or processes, which are in operation during the transition period ending on May 8, 2001, shall comply with either Env-A 1300 ( <i>Toxic Air Pollutants</i> ) or Env A 1400 ( <i>Regulated Toxic Air Pollutants</i> ).
5.	Env-A 1403.02(b)	Facility wide	All existing devices or processes in operation after the transition period ending on May 8, 2001 shall comply with Env-A 1400 ( <i>Regulated Toxic Air Pollutants</i> ). Env-A 1300 will no longer be in effect.
6.	Env-A 1404.01(d)	Facility wide	Documentation for the demonstration of compliance shall be retained at the facility and shall be made available to the DES for inspection.
7.	Env-A 1405.02	Facility wide	The owner of an existing device or process requiring a permit modification under Env-A 1400 shall submit to the DES no later than one year prior to the end of the transition period (May 8, 2000), an application for a modification to a Title V permit in accordance with Env-A 609.18, and a request to the DES to perform air dispersion modeling.
8.	Env-A 1405.03	Facility wide	The owner of an existing device or process requiring a permit under Env-A 1300 shall submit to the DES no later than one year prior to the end of the transition period (May 8, 2000), a compliance plan identifying how the device or process will comply with Env-A 1400 by the end of the transition period. The compliance plan shall contain the dates when the information required in Env-A 1405.02 will be filed with the DES.
9.	Env-A 1406.01	Facility wide	The owner of any device or process, which emits a regulated toxic air pollutant, shall determine compliance with the ambient air limits by using one of the methods provided in Env-A 1406.02, Env-A 1406.03, or Env-A 1406.04. Upon request, the owner of any device or process that emits a regulated toxic air pollutant shall provide documentation of compliance with the ambient air limits to the DES.
10.	Env-Wm 807.02(b) Maximum Allowable Concentrations of Toxics in Used Oil	EU01, EU02	Wheelabrator Concord shall burn only specification used-oil generated on-site with the following allowable limits of contaminants (dry weight basis) <sup>2</sup> :  <div style="margin-left: 40px;"> Arsenic            5.0 ppm maximum  Cadmium           2.0 ppm maximum  Chromium          10.0 ppm maximum </div>

<sup>2</sup> Specification used oil shall be defined in accordance with Env-Wm 110.01(b).

**Table 4 – State-Only Enforceable Operational and Emission Limitations**

Item #	Regulatory Cite	Applicable Emission Unit	Applicable Requirement
			<p>Lead 100 ppm maximum  Total Halogens 1000.0 ppm maximum  PCBs Less than 2ppm  Flash Point 100 degrees F minimum</p> <p>Wheelabrator Concord shall burn only specification used-oil that does not otherwise exhibit any of the hazardous waste characteristics specified in Env-Wm 403. Wheelabrator Concord shall limit the amount of specification used-oil burned to 1500 gallons per consecutive 12-month period.</p>

**B. Federally Enforceable Emission Limitations for Boilers #1 and #2**

1. In accordance with EPA policy to streamline the Title V operating permit, Wheelabrator Concord shall meet the most stringent applicable requirements of the PSD Permit No. 037-121NH04, Temporary Permit No. FP-T-0042, Federal Regulations, and State Rules and Regulations and Statutes. After the final compliance date for 40 CFR 62 Subpart FFF as listed in Section VIII J, 40 CFR 62 Subpart FFF contains the most stringent emission limitations except for the mercury emission limitations where the state enforceable only requirement is the most stringent. Other applicable, but less stringent, requirements include Env-A 1211, 40 CFR 60 Subpart Db, and 40 CFR 60 Subpart E.
2. Prior to the compliance date for 40 CFR 62 Subpart FFF listed in Section VIII J, Wheelabrator Concord shall meet the emission limitations for Boilers #1 and #2 (EU01 and EU02) and facility wide as listed in Table 5a.

**Table 5a – Emission Limitations and Operational Conditions for Each Boiler (EU01 and EU02) and Facility wide Before Compliance Date for 40 CFR 62 Subpart FFF**

Item #	Pollutant/Parameter	Emission Limit/Operating Condition	Authority
1.	Particulate Matter	0.02 grains/dscf (at 12% CO <sub>2</sub> ) or 4.85 lb/hr, as averaged over any 24-hour period, whichever is more stringent	Temporary Permit No. FP-T-0042
2.	Sulfur Dioxide	A) 0.195 lb/mmBtu heat input or 21.0 lb/hr as averaged over 24 hours, whichever is more stringent; or	Temporary Permit No. FP-T-0042 and PSD Permit No. 037-121NH04
		B) A removal efficiency of 50%, even if this requirement is less stringent than 2 (A) above	Temporary Permit No. FP-T-0042 and PSD Permit No. 037-121NH04

<b>Table 5a – Emission Limitations and Operational Conditions for Each Boiler (EU01 and EU02) and Facility wide Before Compliance Date for 40 CFR 62 Subpart FFF</b>			
<b>Item #</b>	<b>Pollutant/Parameter</b>	<b>Emission Limit/Operating Condition</b>	<b>Authority</b>
3.	Carbon Monoxide	0.11 lb/mmBtu heat input or 11.86 lb/hr based on a 4-day rolling average, and 0.25 lb/mmBtu heat input or 30.2 lb/hr based on 8-hour rolling average, whichever is more stringent	Temporary Permit No. FP-T-0042 and PSD Permit No. 037-121NH04
4.	Hydrogen Chloride	A) Average emission level of 50 ppm <sub>dv</sub> at 7% O <sub>2</sub> or B) 90% HCL removal efficiency, whichever is less stringent; and C) 18.5 lb/hr	Temporary Permit No. FP-T-0042 and Env-A 1904.05
5.	Dioxins/Furans	3.45 x 10 <sup>-6</sup> lb TCDD/hr per unit and 2.05 x 10 <sup>-5</sup> lb TCDF/hr per unit	Temporary Permit No. FP-T-0042
6.	Nitrogen Oxides	A) 0.53 lb/mmBtu (24-hour block average) as the NO <sub>x</sub> RACT limit,	Env-A 1211.09 and Temporary Permit No. FP-T-0042
		B) 0.61 lb/mmBtu input (24-hour rolling average), and	Temporary Permit No. FP-T-0042 and PSD Permit No. 037-121NH04
		C) A maximum of 65.8 lb/hr as averaged over any 24-hour period, whichever is more stringent	Temporary Permit No. FP-T-0042 and PSD Permit No. 037-121NH04
7.	Lead	A) 0.0034 lb/mmBtu heat input or	Temporary Permit No. FP-T-0042 and PSD Permit No. 037-121NH04
		B) A maximum of 0.37 lb/hr as averaged over any three month period, whichever is more stringent	Temporary Permit No. FP-T-0042 and PSD Permit No. 037-121NH04
8.	Opacity	20% for any consecutive 6-minute block period in any 60 minute period	Temporary Permit No. FP-T-0042 and Env-A 1903.01
9.	Inlet Temperature to Particulate Control Device	Below 200°C (392°F).	Temporary Permit No. FP-T-0042
10.	Sulfur Content for Gaseous Fuels <sup>3</sup>	5 grains of sulfur per 100 cubic feet of gas	40 CFR 52 <sup>4</sup>
11.	Steam Flow	68,900 lb/hr (8-hour rolling average)	Temporary Permit No. FP-T-0042 and PSD Permit No. 037-121NH04

<sup>3</sup> This requirement is applicable facility wide.

<sup>4</sup> Env-A 402.03, effective on December 27, 1990, was adopted as part of the State Implementation Plan (SIP) on September 14, 1992 and is still considered to be federally enforceable until such time as the SIP is amended and approved by the EPA.



mmBtu = million British Thermal Units  
 grains/dscf = grains per dry standard cubic feet

ppmdv = parts per million, dry volume

3. After the compliance date for 40 CFR 62 Subpart FFF listed in Section VIII J, Wheelabrator Concord shall meet the emission limitations for Boilers #1 and #2 (EU01 and EU02) and facility wide as listed in Table 5b.

<b>Table 5b – Emission Limitations and Operational Conditions            for Each Boiler (EU01 and EU02) and Facility wide            After Compliance Date for 40 CFR 62 Subpart FFF            (Concentrations based on 7% Oxygen)</b>			
<b>Item #</b>	<b>Pollutant</b>	<b>Emission Limit/Operating Condition</b>	<b>Authority</b>
1.	Particulate Matter	27 mg/dscm	40 CFR 62.14103 (a)(1), Temporary Permit No. FP-T-0042, PSD Permit No. 037-121NH04, 40 CFR 60.52 (a) and 40 CFR 60.43 (d) (1)
2.	Sulfur Dioxide	29 ppmdv or 75% reduction (24-hour block geometric mean), whichever is less stringent	40 CFR 62.14103 (b)(1), Temporary Permit No. FP-T-0042, and PSD Permit No. 037-121NH04
3.	Carbon Monoxide	100 ppmdv (4-hr block arithmetic mean)	40 CFR 62.14104 (a), Temporary Permit No. FP-T-0042, and PSD Permit No. 037-121NH04
4.	Hydrogen Chloride	29 ppmdv or 95% reduction, whichever is less stringent	40 CFR 62.14103 (b)(2), Temporary Permit No. FP-T-0042, and Env-A 1904.05
5.	Dioxins/Furans	30 ng/dscm (total mass)	40 CFR 62.14103 (c)(2) and Temporary Permit No. FP-T-0042
6.	Nitrogen Oxides	205 ppmdv (24-hour block arithmetic mean)	40 CFR 62.14103 (d), Env-A 1211.09, Temporary Permit No. FP-T-0042, and PSD Permit No. 037-121NH04
7.	Cadmium	0.040 mg/dscm	40 CFR 62.14103 (a)(2)

<b>Table 5b – Emission Limitations and Operational Conditions for Each Boiler (EU01 and EU02) and Facility wide After Compliance Date for 40 CFR 62 Subpart FFF (Concentrations based on 7% Oxygen)</b>			
<b>Item #</b>	<b>Pollutant</b>	<b>Emission Limit/Operating Condition</b>	<b>Authority</b>
8.	Lead	0.44 mg/dscm	40 CFR 62.14103 (a)(2), Temporary Permit No. FP-T-0042, and PSD Permit No. 037-121NH04
9.	Mercury	0.08 mg/dscm or 85% reduction	40 CFR 62.14103 (a)(3)
10.	Ammonia <sup>5</sup>	20 ppm <sub>dv</sub>	Env-A 1400
11.	Opacity	10% for any consecutive 6-minute block period	40 CFR 62.14103 (a)(1), Temporary Permit No. FP-T-0042, and Env-A 1903.01
12.	Fugitive Ash <sup>6,7</sup>	No visible emissions, in excess of 5% of the observation period (i.e., 9 minutes per 3-hour period).	40 CFR 62.14106 (a)
13.	Inlet Temperature to Particulate Control Device	Not to exceed the temperature 17°C (30.6°F) above the maximum temperature measured during the most recent dioxin/furan performance test.	40 CFR 14104(b) and Temporary Permit No. FP-T-0042
14.	Sulfur Content for Gaseous Fuels <sup>8</sup>	5 grains of sulfur per 100 cubic feet of gas	40 CFR 52 <sup>9</sup>
15.	Steam Flow	110% of the maximum demonstrated load (4-hour block average) during the most recent dioxin/furan performance test	40 CFR 62.14104, 40 CFR 60.53b (b) & (c), and 60.58b (i)(6)(i)
16.	Steam Flow	68,900 (8-hour rolling average)	Temporary Permit No. FP-T-0042 and PSD Permit No. 037-121NH04

ppm<sub>dv</sub> = parts per million, dry volume  
mg/dscm = milligrams per dry standard cubic meter

ng/dscm = nanograms per dry standard cubic meter  
CEMS = Continuous Emissions Monitoring System

4. After the compliance date for HB625 (enrolled 1/13/00) listed in Section VIII J, Wheelabrator Concord shall meet the mercury emission limitation for Boilers #1 and #2 (EU01 and EU02) as listed in Table 5c.<sup>10</sup>

<sup>5</sup> This requirement is state enforceable only.

<sup>6</sup> This requirement is applicable facility wide.

<sup>7</sup> See Table 6b, Item No. 15 for further description/requirements.

<sup>8</sup> This requirement is applicable facility wide.

<sup>9</sup> Env-A 402.03, effective on December 27, 1990, was adopted as part of the State Implementation Plan (SIP) on September 14, 1992 and is still considered to be federally enforceable until such time as the SIP is amended and approved by the EPA.

<sup>10</sup> This requirement is state enforceable only.

<b>Table 5c – Emission Limitations for Each Boiler (EU01 and EU02)</b> <b>After Compliance Date for HB 625</b> (Concentrations based on 7% Oxygen)			
Item #	Pollutant	Emission Limit	Authority
1.	Mercury	0.028 mg/dscm or 85% control efficiency	HB 625 (enrolled 1/13/00)

### C. Federally Enforceable Operational and Emission Limitations

1. The Permittee shall be subject to the federally enforceable operational and emission limitations identified in Table 6a below prior to the compliance date for 40 CFR Subpart FFF as listed in Section VIII J:

<b>Table 6a – Additional Federally Enforceable Operational and Emission Limitations</b> <b>Prior to Compliance Date for 40 CFR 62 Subpart FFF</b>			
Item #	Regulatory Cite	Applicable Emission Unit	Applicable Requirement
1.	40 CFR 60.11 Compliance with Standards and Maintenance Requirements	Facility wide	At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
2.	40 CFR 60.12 Circumvention	Facility wide	No owner or operator subject to the provisions of 40 CFR Subpart A shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard that is based on the concentration of a pollutant in the gases discharged to the atmosphere.
3.	RSA 125-C:6, RSA 125-C:11, and Env-A 606.04 National Ambient Air Quality Standards	Facility wide	Wheelabrator Concord shall comply with the National Ambient Air Quality Standards (NAAQS) and the applicable requirements of RSA 125-C:6, RSA 125-C:11, and Env-A 606.04. These sections include, but are not limited to, descriptions of the powers and duties of the commissioner, and requirements for adherence to permit application procedures and air pollution dispersion modeling impact analyses.
4.	Temporary Permit No. FP-T-0042 Operating Practices	EU01, EU02	<p>Wheelabrator Concord shall comply with the following operating practice requirements:</p> <p>A) Wheelabrator Concord shall comply with the DES's "Dioxin Emission Control Policy Guidelines for Boilers and Resource Recovery Facilities," approved April 17, 1986 by the New Hampshire Air Resources Commission;</p> <p>B) Wheelabrator Concord shall operate an auxiliary fuel burning system that is capable of maintaining the temperatures of combustion in the combustion zone as required by DES's Dioxin Emission Control Policy;</p> <p>C) Wheelabrator Concord shall continuously record temperatures with an array of thermocouples in the Boilers near the combustion zone. The temperature monitoring system shall interface with Condition A above;</p>

**Table 6a – Additional Federally Enforceable Operational and Emission Limitations  
Prior to Compliance Date for 40 CFR 62 Subpart FFF**

<b>Item #</b>	<b>Regulatory Cite</b>	<b>Applicable Emission Unit</b>	<b>Applicable Requirement</b>
			<p>D) Wheelabrator Concord shall use the upper combustion zone thermocouple as a surrogate for the lower combustion zone temperature, so that the temperature in the lower combustion zone can be monitored more accurately; and</p> <p>E) Wheelabrator Concord shall operate the devices at this facility in conjunction with the appropriate air pollution control devices.</p>
5.	Temporary Permit No. FP-T-0042 Non-RCRA Wastes	EU01, EU02	Wheelabrator Concord shall not burn toxic or hazardous wastes that are subject to the Resources Conservation and Recovery Act (RCRA).
6.	Temporary Permit No. FP-T-0042 and 40 CFR 60 Subpart Db Auxiliary Propane Usage	EU01, EU02	Auxiliary propane fuel shall be limited to 10% of total fuel usage (on a heat input basis) which at a maximum capacity based on Section III A Table 1 is equivalent to 1,031,168 gallons per year or shall demonstrate compliance with 0.30 lb NO <sub>x</sub> /mmBtu heat input.
7.	Temporary Permit No. FP-T-0042 Boiler Start-up	EU01, EU02	During Boiler startup, the baghouse shall not be by-passed while burning municipal solid waste.
8.	Temporary Permit No. FP-T-0042 Air Pollution Control Equipment	EU01, EU02	<p>A) Wheelabrator Concord shall install and operate at all times air pollution control equipment to control emissions of pollutants from the Municipal Solid Waste Facility and to meet permit conditions.</p> <p>B) If the air pollution control equipment is not operating in whole or part due to routine maintenance, Wheelabrator Concord shall not be required to report the downtime of the air pollution control equipment as a permit deviation as long as the emission limitations and other operating conditions are met.</p>
9.	Temporary Permit No. FP-T-0042 Air Pollution Control Equipment	EU01, EU02	<p>A) Subject to the compliance schedules set forth in Section VIII J, Wheelabrator Concord shall install and operate the following air pollution control equipment according to the manufacturer's recommendations in order to control emissions of regulated pollutants:</p> <p>B) Powder Activated Carbon Injection System for the control of mercury;</p> <p>C) Spray Dryer Absorber for the control of hydrogen chloride, sulfur dioxide, mercury, and dioxins/furans.</p> <p>D) Selective Non-Catalytic Reduction System for the control of nitrogen oxide.</p> <p>E) Compliance with these conditions shall be demonstrated through monitoring and testing requirements as specified in Table 7.</p>
10.	Temporary Permit No. FP-T-0042 Dry Lime Injection System	EU01, EU02	Wheelabrator Concord shall operate each boiler with a dry lime injection system for the control of hydrogen chloride and acid gas emissions.
11.	Temporary Permit No. FP-T-0042 Thermocouple System	EU01, EU02	Wheelabrator Concord shall operate each boiler with a thermocouple system for the monitoring of dioxins/furans emissions.
12.	Temporary Permit No. FP-T-0042	EU01, EU02	A) Wheelabrator Concord shall charge a maximum of 23,960 lb/hr of municipal solid waste (MSW) and 68,900 lb/hr steam flow (8-hour

**Table 6a – Additional Federally Enforceable Operational and Emission Limitations  
Prior to Compliance Date for 40 CFR 62 Subpart FFF**

<b>Item #</b>	<b>Regulatory Cite</b>	<b>Applicable Emission Unit</b>	<b>Applicable Requirement</b>
	MSW throughput rates		rolling average) based upon type 2 waste and 4,500 Btu/hr. B) Wheelabrator Concord shall limit the maximum MSW throughput 104,950 tons/year for this device. MSW is limited to types 0, 1, 2, 3, and 6 wastes.
13.	Temporary Permit No. FP-T-0042 Auxiliary Burners Firing Rates	EU01, EU02	Wheelabrator Concord shall limit the maximum firing rate of the auxiliary burners equipped on this device to 18 mmBtu/hr each, for a total of 36 mmBtu/hr.
14.	Env-A 2003.04 (a), (d) and (f) Visible Emission Standard Exemptions	EU01, EU02	The following activities shall be exempt from visible emission standards: A) During periods of startup, shutdown, and malfunction, average opacity shall be allowed to exceed the opacity standard for one period of 6 continuous minutes in any 60 minute period; and B) During periods of normal operation, soot blowing, grate cleaning, and cleaning of fires, average opacity shall be allowed to exceed 20 percent, but not more than 27 percent for one period of 6 continuous minutes in any 60 minute period.
15.	Temporary Permit No. FP-T-0042 Carbon Feed Rate	EU01, EU02, PC07, PC08	After installation of the Powder Activated Carbon Injection System and prior to installation of the Spray Dryer Absorber, Wheelabrator Concord shall meet a minimum carbon feed rate of 5 lb/hr monitored over an 8-hour block average until a performance test determines another carbon feed rate for which Wheelabrator Concord Company, L.P. complies with the mercury emission limitation established in Section VIII B 2 Table 5b.
16.	Temporary Permit No. FP-T-0042 Ash and Scrubber Residue	Facility wide	Prior to ash load out and transport, Wheelabrator Concord shall extinguish all fires. The bottom ash, fly ash, and scrubber residue shall be quenched or otherwise wetted to suppress fugitive dust. Ash transport vehicles shall be totally enclosed or covered.
17.	40 CFR 68 and 1990 CAA Section 112(r)(1) Accidental Release Program Requirements	Facility wide	Wheelabrator Concord maintains no quantities of high-risk regulated substances above the threshold quantities established by the EPA under 40 CFR Part 68.130. Administrative controls will be established in order to ensure that inventories of regulated substances are maintained below the specified threshold quantities. The facility is subject to the Purpose and General Duty clause of the 1990 Clean Air Act, Section 112(r)(1). General Duty includes the following responsibilities: A) Identify potential hazards which may result from such releases using appropriate hazard assessment techniques; B) Design and maintain a safe facility; C) Take steps necessary to prevent releases; and D) Minimize the consequences of accidental releases that do occur. If, in the future, Wheelabrator Concord wishes to store quantities of high risk regulated substances above the threshold levels, an emergency response plan shall be submitted to the DES in a timely manner. This plan shall include the information listed in 40 CFR 68, Subpart E.
18.	40 CFR 82 Subpart F Stratospheric Ozone Protection	Facility wide	Any person servicing, maintaining, or repairing appliances (except for motor vehicle air conditioners) which contain and use class I or class II substances as a refrigerant and which are used for household or commercial purposes, including any air conditioner, refrigerator, chiller, or freezer are subject to the requirements of 40 CFR 82 Subpart F (Recycling and

**Table 6a – Additional Federally Enforceable Operational and Emission Limitations  
Prior to Compliance Date for 40 CFR 62 Subpart FFF**

<b>Item #</b>	<b>Regulatory Cite</b>	<b>Applicable Emission Unit</b>	<b>Applicable Requirement</b>
			<p>Emission Reduction):</p> <p>A) Owners of equipment containing more than 50 pounds of refrigerants are required to repair substantial leaks. The annual leak rate cannot exceed 35 percent per 12-month period for industrial process and commercial refrigeration equipment. The annual leak rate cannot exceed 15 percent of charge per 12-month period for comfort cooling chillers and all other equipment containing more than 50 pounds of refrigerants, except for industrial process and commercial refrigeration equipment.</p> <p>B) Technicians servicing appliances that contain 50 or more pounds of refrigerant must provide the owner with an invoice that indicates the amount of refrigerant added to the appliance. In addition, technicians must be certified and keep a copy of their proof of certification at their place of business.</p> <p>C) Owners of air conditioning and refrigeration equipment with more than 50 pounds of refrigerant must keep records of the quantity of refrigerant added to their equipment during servicing and maintenance procedures and the date and type of service rendered to the equipment.</p>

2. The Permittee shall be subject to the federally enforceable operational and emission limitations identified in Table 6b below after the compliance date for 40 CFR Subpart FFF as listed in Section VIII J:

**Table 6b – Additional Federally Enforceable Operational and Emission Limitations  
After the Compliance Date for 40 CFR 62 Subpart FFF**

<b>Item #</b>	<b>Regulatory Cite</b>	<b>Applicable Emission Unit</b>	<b>Applicable Requirement</b>
1.	40 CFR 60.11 Compliance with Standards and Maintenance Requirements	Facility wide	At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
2.	40 CFR 60.12 Circumvention	Facility wide	No owner or operator subject to the provisions of 40 CFR Subpart A shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard that is based on the concentration of a pollutant in the gases discharged to the atmosphere.
3.	RSA 125-C:6, RSA 125-C:11, and Env-A 606.04 National Ambient	Facility wide	Wheelabrator Concord shall comply with the National Ambient Air Quality Standards (NAAQS) and the applicable requirements of RSA 125-C:6, RSA 125-C:11, and Env-A 606.04. These sections include, but are not limited to, descriptions of the powers and duties of the commissioner, and

**Table 6b – Additional Federally Enforceable Operational and Emission Limitations  
After the Compliance Date for 40 CFR 62 Subpart FFF**

<b>Item #</b>	<b>Regulatory Cite</b>	<b>Applicable Emission Unit</b>	<b>Applicable Requirement</b>
	Air Quality Standards		requirements for adherence to permit application procedures and air pollution dispersion modeling impact analyses.
4.	40 CFR 62.14109 (b) and 60.58b (a) Startup, Shutdown, and Malfunction	EU01, EU02	The emission standards do not apply during periods of startup, shutdown, or malfunction. Duration of startup, shutdown, or malfunction is limited to 3 hours per occurrence.
5.	Temporary Permit No. FP-T-0042 Non-RCRA Wastes	EU01, EU02	Wheelabrator Concord shall not burn toxic or hazardous wastes that are subject to the Resources Conservation and Recovery Act (RCRA).
6.	Temporary Permit No. FP-T-0042 and 40 CFR 60 Subpart Db Auxiliary Propane Usage	EU01, EU02	Auxiliary propane fuel shall be limited to 10% of total fuel usage (on a heat input basis) which at a maximum capacity based on Section III A Table 1 is equivalent to 1,031,168 gallons per year or shall demonstrate compliance with 0.30 lb NOx/mmBtu heat input.
7.	Temporary Permit No. FP-T-0042 Boiler Start-up	EU01, EU02	During Boiler startup, the baghouse shall not be by-passed while burning municipal solid waste.
8.	Temporary Permit No. FP-T-0042 Air Pollution Control Equipment	EU01, EU02	<p>A) Wheelabrator Concord shall install and operate at all times air pollution control equipment to control emissions of pollutants from the Municipal Solid Waste Facility and to meet permit conditions.</p> <p>B) If the air pollution control equipment is not operating in whole or part due to routine maintenance, Wheelabrator Concord shall not be required to report the downtime of the air pollution control equipment as a permit deviation as long as the emission limitations and other operating conditions are met.</p>
9.	Temporary Permit No. FP-T-0042 Air Pollution Control Equipment	EU01, EU02	<p>A) Subject to the compliance schedules set forth in Section VIII J, Wheelabrator Concord shall install and operate the following air pollution control equipment according to the manufacturer's recommendations in order to control emissions of regulated pollutants:</p> <ol style="list-style-type: none"> <li>1) Powder Activated Carbon Injection System for the control of mercury;</li> <li>2) Spray Dryer Absorber for the control of hydrogen chloride, sulfur dioxide, mercury, and dioxins/furans.</li> <li>3) Selective Non-Catalytic Reduction System for the control of nitrogen oxide.</li> </ol> <p>B) Compliance with these conditions shall be demonstrated through monitoring and testing requirements as specified in Table 7.</p>
10.	Temporary Permit No. FP-T-0042 Reverse Pulse Jet Fabric Filter	EU01, EU02	<p>Wheelabrator Concord shall perform the following:</p> <p>A) Operate a Reverse Pulse Jet Fabric Filter for particulate control;</p> <p>B) Conduct preventative maintenance necessary to ensure the operation of the fabric filter in a manner consistent with the manufacturer's recommendations or consistent with documented preventative maintenance schedules supported by periodic inspections and/or testing;</p> <p>C) Periodic inspections shall occur at least annually; and</p>

**Table 6b – Additional Federally Enforceable Operational and Emission Limitations  
After the Compliance Date for 40 CFR 62 Subpart FFF**

Item #	Regulatory Cite	Applicable Emission Unit	Applicable Requirement
			D) Keep manufacturer's recommendations on file at the facility and readily available for review by DES and/or EPA upon request.
11.	Temporary Permit No. FP-T-0042 Carbon Feed Rate	EU01, EU02, PC07, PC08	After installation of the Powder Activated Carbon Injection System and prior to installation of the Spray Dryer Absorber, Wheelabrator Concord shall meet a minimum carbon feed rate of 5 lb/hr monitored over an 8-hour block average until a performance test determines another carbon feed rate for which Wheelabrator Concord Company, L.P. complies with the mercury emission limitation established in Section VIII B 2 Table 5b. After the final compliance dates set forth in Section VIII J, Wheelabrator Concord shall meet the carbon feed rate determined according to Section VIII F 2 (state enforceable only) and Section VIII F 3.
12.	Temporary Permit No. FP-T-0042 MSW throughput rates	EU01, EU02	A) Wheelabrator Concord shall charge a maximum of 23,960 lb/hr of municipal solid waste (MSW) and 68,900 lb/hr steam flow (8-hour rolling average) based upon type 2 waste and 4,500 Btu/hr. B) Wheelabrator Concord shall limit the maximum MSW throughput 104,950 tons/year for this device. MSW is limited to types 0, 1, 2, 3, and 6 wastes.
13.	Temporary Permit No. FP-T-0042 Auxiliary Burners Firing Rates	EU01, EU02	Wheelabrator Concord shall limit the maximum firing rate of the auxiliary burners equipped on this device to 18 mmBtu/hr each, for a total of 36 mmBtu/hr.
14.	Temporary Permit No. FP-T-0042 Ash and Scrubber Residue	Facility wide	Prior to ash load out and transport, Wheelabrator Concord shall extinguish all fires. The bottom ash, fly ash, and scrubber residue shall be quenched or otherwise wetted to suppress fugitive dust. Ash transport vehicles shall be totally enclosed or covered.
15.	40 CFR 62.14106 Emission Limits for Fugitive Ash Emissions from ash conveying systems and conveyor transfer points	Facility wide	The following conditions shall apply to the fugitive ash emission limitation: A) The fugitive ash emission limitation shall not include visible emissions discharged inside buildings or enclosures of ash conveying systems. B) The fugitive ash emission limitation shall include visible emissions discharged to the atmosphere from buildings or enclosures of ash conveying systems. C) The fugitive ash emission limitation does not apply during maintenance and repair of ash conveying systems.
16.	40 CFR 68 and 1990 CAA Section 112(r)(1) Accidental Release Program Requirements	Facility wide	Wheelabrator Concord maintains no quantities of high-risk regulated substances above the threshold quantities established by the EPA under 40 CFR Part 68.130. Administrative controls will be established in order to ensure that inventories of regulated substances are maintained below the specified threshold quantities. The facility is subject to the Purpose and General Duty clause of the 1990 Clean Air Act, Section 112(r)(1). General Duty includes the following responsibilities: A) Identify potential hazards which may result from such releases using appropriate hazard assessment techniques; B) Design and maintain a safe facility; C) Take steps necessary to prevent releases; and D) Minimize the consequences of accidental releases that do occur. If, in the future, Wheelabrator Concord wishes to store quantities of high risk regulated substances above the threshold levels, an emergency



**Table 6b – Additional Federally Enforceable Operational and Emission Limitations  
After the Compliance Date for 40 CFR 62 Subpart FFF**

Item #	Regulatory Cite	Applicable Emission Unit	Applicable Requirement
			response plan shall be submitted to the DES in a timely manner. This plan shall include the information listed in 40 CFR 68, Subpart E.
17.	40 CFR 82 Subpart F Stratospheric Ozone Protection	Facility wide	<p>Any person servicing, maintaining, or repairing appliances (except for motor vehicle air conditioners) which contain and use class I or class II substances as a refrigerant and which are used for household or commercial purposes, including any air conditioner, refrigerator, chiller, or freezer are subject to the requirements of 40 CFR 82 Subpart F (Recycling and Emission Reduction):</p> <p>A) Owners of equipment containing more than 50 pounds of refrigerants are required to repair substantial leaks. The annual leak rate cannot exceed 35 percent per 12-month period for industrial process and commercial refrigeration equipment. The annual leak rate cannot exceed 15 percent of charge per 12-month period for comfort cooling chillers and all other equipment containing more than 50 pounds of refrigerants, except for industrial process and commercial refrigeration equipment.</p> <p>B) Technicians servicing appliances that contain 50 or more pounds of refrigerant must provide the owner with an invoice that indicates the amount of refrigerant added to the appliance. In addition, technicians must be certified and keep a copy of their proof of certification at their place of business.</p> <p>C) Owners of air conditioning and refrigeration equipment with more than 50 pounds of refrigerant must keep records of the quantity of refrigerant added to their equipment during servicing and maintenance procedures and the date and type of service rendered to the equipment.</p>

#### **D. Operator Training Requirements**

Pursuant to 40 CFR 62.14105, Wheelabrator shall comply with the municipal waste combustor operator training and certification requirements by December 19, 1999:

1. Each chief facility operator and shift supervisor shall obtain and maintain a current provisional operator certification from the American Society of Mechanical Engineers QRO-1-1994, Standard for the Qualification and Certification of Resource Recovery Facility Operators;
2. Each chief facility operator and shift supervisor shall have completed full certification or have schedule full certification exam with the American Society of Mechanical Engineers QRO-1-1994, Standard for the Qualification and Certification of Resource Recovery Facility Operators;
3. The owner or operator shall not allow the facility to be operated at any time unless one of the following persons is on duty:
  - a) A fully certified chief facility operator;
  - b) A provisionally certified chief facility operator who is scheduled to take the full certification exam; or

- c) A fully certified shift supervisor who is scheduled to take the full certification exam.
  - d) If any of these persons must leave the facility during his or her operating shift, a provisionally certified control room operator may fulfill this requirement.
4. Each chief facility operator, shift operator, and control room operator at an affected facility shall complete the EPA municipal waste combustor operator training course. This requirement does not apply to chief facility operators, shift supervisors and control room operators who have obtained full certification from the American Society of Mechanical Engineers on or before December 19, 1998. The owner or operator may request that the EPA Administrator waive this requirement for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers.
  5. Wheelabrator Concord shall develop and update on a yearly basis a site-specific operating manual that shall, at a minimum address, the elements of municipal waste combustor unit operation specified below:
    - a) A summary of the applicable standards under 40 CFR 62 Subpart FFF;
    - b) A description of basic combustion theory applicable to a municipal waste combustor unit;
    - c) Procedures for receiving, handling, and feeding municipal solid waste;
    - d) Procedures for municipal waste combustor unit startup, shutdown, and malfunction;
    - e) Procedures for maintaining proper combustion air supply levels;
    - f) Procedures for operating the municipal waste combustor unit within the standards established under 40 CFR 62 Subpart FFF;
    - g) Procedures for responding to periodic upset or off-specification conditions;
    - h) Procedures for minimizing particulate matter carryover;
    - i) Procedures for handling ash;
    - j) Procedures for monitoring municipal waste combustor unit emissions; and
    - k) Reporting and recordkeeping procedures.
  6. Wheelabrator Concord shall establish a training program to review the operating manual according to the schedule specified below with each person who has responsibilities affecting the operation of the facility including, but not limited to, chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and crane/load handlers:
    - a) Each person shall undergo initial training no later than the later of the dates specified below:
      - ii. The date prior to the day the person assumes responsibilities affecting municipal waste combustor unit operation; or
      - iii. December 19, 1999.
    - b) Annually, following the initial review required in a) above.
  7. The operating manual shall be kept in a location readily accessible to each person required to undergo training. The operating manual and records of training shall be available for inspection by the EPA and DES.

#### **E. Emission Reductions Trading Requirements**

The Permittee did not request emissions reductions trading in its operating permit application. At this point, DES has not included any permit terms authorizing emissions trading in this permit. All emission reductions trading must be authorized under the applicable requirements of either Env-A 3000 (the "Emissions Reductions Credits (or ERCs) Trading Program") or Env-A 3100 (the "Discrete Emissions Reductions (or DERs) Trading Program") and 42 U.S.C. §7401 et seq. (The

“Act”), and must be provided for in this Permit.

## F. Monitoring/Testing Requirements

1. Prior to the compliance date for 40 CFR 62 Subpart FFF listed in Section VIII J, the Permittee is subject to the monitoring/testing requirements as contained in Table 7a below to determine compliance with the emission limitations and operating conditions listed in Tables 5a and 6a:

<b>Table 7a – Monitoring/Testing Requirements Before Compliance Date for 40 CFR 62 Subpart FFF</b>					
<b>Item #</b>	<b>Device</b>	<b>Parameter</b>	<b>Method of Compliance</b>	<b>Frequency of Method</b>	<b>Regulatory Cite</b>
1.	EU01, EU02	Particulate Matter	EPA Reference Method 5	Annually	PSD Permit No. 037-121NH04
2.	EU01, EU02	Sulfur Dioxide	CEMS	Continuously	PSD Permit No. 037-121NH04
3.	EU01, EU02	Carbon Monoxide	CEMS	Continuously	PSD Permit No. 037-121NH04
4.	EU01, EU02	Hydrogen Chloride	EPA Reference Method 26 or 26A	Annually	40 CFR 60 Appendix A
5.	EU01, EU02	Dioxins/Furans	EPA Reference Method 23	Annually	40 CFR 60 Appendix A
6.	EU01, EU02	Nitrogen Oxides	CEMS	Continuously	PSD Permit No. 037-121NH04
7.	EU01, EU02	Lead	EPA Reference Method 29	Annually	40 CFR 60 Appendix A
8.	EU01, EU02	Opacity	Opacity meters or EPA Reference Method 9	Continuously	PSD Permit No. 037-121NH04
9.	EU01, EU02	Steam load	Steam flow meter and American Society of Mechanical Engineers Power Test Codes: Test Code for Steam Generating Units, Power Test Code 4.1—1964 (R1991) section 4	Continuously	PSD Permit No. 037-121NH04
10.	EU01, EU02	Inlet temperature to particulate matter control device	DES approved temperature sensor system	Continuously	PSD Permit No. 037-121NH04
11.	EU01, EU02	Municipal waste combustor unit load	Steam flow based upon type 2 waste and 4,500 Btu/hr	Continuously	Temporary Permit No. FP-T-0042

2. After the compliance date for 40 CFR 62 Subpart FFF listed in Section VIII J, the Permittee is subject to the monitoring/testing requirements as contained in Table 7b below to determine compliance with the emission limitations and operating conditions listed in Tables 5b, 5c, 6b:

<b>Table 7b – Monitoring/Testing Requirements After Compliance Date for 40 CFR 62 Subpart FFF</b>					
<b>Item #</b>	<b>Device</b>	<b>Parameter</b>	<b>Method of Compliance</b>	<b>Frequency of Method</b>	<b>Regulatory Cite</b>
1.	EU01, EU02	Particulate Matter	EPA Reference Method 5	180 days after final compliance date and annually	40 CFR 62.14103 (a)(1) and 62.14109 (c)
2.	EU01, EU02	Sulfur Dioxide	CEMS	180 days after final compliance date and continuously	40 CFR 62.14103 (b)(1) and 62.14109 (c)
3.	EU01, EU02	Carbon Monoxide	CEMS	180 days after final compliance date and continuously	40 CFR 62.14104 (a) and 62.14109 (c)
4.	EU01, EU02	Hydrogen Chloride	EPA Reference Method 26 or 26A	180 days after final compliance date and annually	40 CFR 62.14103 (b)(2) and 62.14109 (c)
5.	EU01, EU02	Dioxins/Furans	EPA Reference Method 23	180 days after final compliance date and annually or according to alternative schedule if emissions less than 15 ng/dscm	40 CFR 62.14103 (c)(2) and 62.14109 (c) and (d)
6.	EU01, EU02	Nitrogen Oxides	CEMS	180 days after final compliance date and continuously	40 CFR 62.14103 (d) and 62.14109 (c)
7.	EU01, EU02	Cadmium	EPA Reference Method 29	180 days after final compliance date and annually	40 CFR 62.14103 (a)(2) and 62.14109 (c)

**Table 7b – Monitoring/Testing Requirements  
After Compliance Date for 40 CFR 62 Subpart FFF**

<b>Item #</b>	<b>Device</b>	<b>Parameter</b>	<b>Method of Compliance</b>	<b>Frequency of Method</b>	<b>Regulatory Cite</b>
8.	EU01, EU02	Lead	EPA Reference Method 29	180 days after final compliance date and annually	40 CFR 62.14103 (a)(2) and 62.14109 (c)
9.	EU01, EU02	Mercury	EPA Reference Method 29	For 0.08 mg/dscm or 85% reduction: 180 days after Temporary Permit No. FP-T-0042 issuance or May 15, 2000, whichever is earlier and quarterly testing, alternating emission units each quarter for a period of one year. If the annual average of the quarterly testing is less than or equal to 0.028 mg/dscm or 85% control efficiency, annual testing may be conducted for both units. For 0.028 mg/dscm or 85% control efficiency: by January 1, 2001 and annually. <sup>11</sup>	40 CFR 62.14103 (a)(3) and 62.14109 (c)
10.	EU01, EU02	Ammonia	DES approved method	180 days after final compliance date and upon request by DES.	Env-A 802.2
11.	EU01, EU02	Opacity	Opacity meters or EPA Reference Method 9	180 days after final compliance date and continuously	40 CFR 62.14103 (a)(1) and 62.14109 (c)
12.	EU01, EU02	Steam load (with 4-hour block average and 8-hour rolling average)	Steam flow meter and American Society of Mechanical Engineers Power Test Codes: Test Code for Steam Generating Units, Power Test Code 4.1—1964 (R1991) section 4	180 days after final compliance date and continuously	40 CFR 62.14109 (b) and 60.58b (i)(6)
13.	EU01, EU02	Inlet temperature to particulate matter control device	DES approved temperature sensor system	180 days after final compliance date and continuously	40 CFR 62.14109 (b) and 60.58b (i)(7)

<sup>11</sup> The requirement of 0.028 mg/dscm is state enforceable only.

**Table 7b – Monitoring/Testing Requirements  
After Compliance Date for 40 CFR 62 Subpart FFF**

<b>Item #</b>	<b>Device</b>	<b>Parameter</b>	<b>Method of Compliance</b>	<b>Frequency of Method</b>	<b>Regulatory Cite</b>
14.	EU01, EU02	Municipal waste combustor unit load	Initial and subsequent performance tests for dioxins/furans	180 days after final compliance date and annually	40 CFR 62.14109 (b) and 60.58b (i)(8)
15.	EU01, EU02	Municipal waste combustor unit load	Steam flow (8-hour rolling average) based upon type 2 waste and 4,500 Btu/hr	Continuously	Temporary Permit No. FP-T-0042
16.	Facility wide	Fugitive ash emission limit	EPA Reference Method 22	180 days after final compliance date and annually	40 CFR 62.14109 (b) and 60.58b (k)
17.	Facility wide	Sulfur content in gaseous fuels	Conduct testing to determine compliance with the sulfur content limitation provisions in Env-A 1600 for gaseous fuels.	Upon written request by DES or EPA	Env-A 809.02

3. At the performance testing conducted after the compliance date listed in Section VIII J., Wheelabrator Concord shall conduct optimization tests to determine the optimized carbon feed rate of the powder activated carbon injection system for which the mercury emissions are optimally minimized below the applicable limits.<sup>12</sup> The optimized carbon feed rate is the carbon feed rate that achieves the greatest reduction of mercury emissions per pound of carbon used. Specifically, when the carbon feed rate versus the amount of mercury emission reductions is plotted graphically, the optimized carbon feed rate is chosen as the point of deflection in the optimization curve where an incremental increase in feedrate does not proportionally increase mercury removal.
4. At the performance testing conducted after the compliance date listed in Section VIII.J., Wheelabrator Concord shall conduct a performance test to determine the carbon feed rate to achieve compliance with the mercury and dioxin/furan emission limits listed in Section VIII.B.2 Table 5b.
5. Wheelabrator Concord shall monitor and record the carbon feed rate on an 8-hour block average.
6. If Wheelabrator Concord meets the emissions limits specified in Section VIII., but does not meet the optimized carbon feed rate due to routine or periodic maintenance, Wheelabrator Concord shall not be required to report the non-optimized carbon feed rate as a permit deviation.
7. Prior to the final compliance date listed in Section VIII J, Wheelabrator Concord shall monitor and record the fabric filter inlet temperature based on a 24-hour rolling average and the steam load based on an 8-hour rolling average. After the final compliance date listed in Section VIII J., Wheelabrator shall monitor the fabric filter inlet temperature based on a 4-hour block average and the steam load based on a 4-hour block average and 8-hour rolling average.
8. Wheelabrator Concord shall maintain and operate a continuous monitoring/recording system to

<sup>12</sup> This requirement is state enforceable only.

measure inlet and outlet O<sub>2</sub> or CO<sub>2</sub>.

9. The continuous monitoring/recording system shall meet EPA monitoring performance specifications (40 CFR 60.13 and 40 CFR 60 Appendix B, Performance Specifications 1, 2, 3, and 4A).
10. If or when DES finds compliance determinations necessary, a continuous monitoring system may be required to measure stack gas volumetric rates. The system shall meet USEPA performance specifications (40 CFR Part 52, Appendix E).
11. Wheelabrator Concord shall conduct monitoring and recording of pressure differential across the fabric filter unit at least one time per 24-hour period. Daily monitoring of pressure differential shall be accomplished by daily observations of the pressure differential gauges (e.g., omega gauges) in the control room or equivalent monitoring device and recordation of the pressure reading indicated by each monitoring device.
12. After the final compliance date listed in Section VIII J, Wheelabrator Concord shall comply with the compliance and performance testing methods and procedures listed in 40 CFR 60.58b, except as noted above in Section VIII.F.1, Table 7.
13. Pursuant to Env-A 809.01 and 809.02, Wheelabrator Concord shall conduct testing to determine compliance with the sulfur content limitations for gaseous fuels (propane) in 40 CFR 52. Delivery tickets, which certify percent sulfur by weight of the fuel oil being delivered, may be used as an alternative to determine compliance with the sulfur content limitation provisions.
14. Pursuant to 40 CFR 60.8, Wheelabrator Concord shall comply with the performance test requirements.
15. Pursuant to 40 CFR 60.13, Wheelabrator Concord shall comply with the monitoring requirements.

#### G. Recordkeeping Requirements

1. Prior to the compliance date for 40 CFR 62 Subpart FFF listed in Section VIII J, the Permittee is subject to the Recordkeeping requirements as contained in Table 8a below:

<b>Table 8a – Applicable Recordkeeping Requirements Prior to Compliance Date for 40 CFR 62 Subpart FFF</b>				
<b>Item #</b>	<b>Recordkeeping Requirement</b>	<b>Frequency of Recordkeeping</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
1.	<u>Carbon Feed Rate:</u> Wheelabrator Concord shall maintain records of the following information: A) Average carbon mass feed rate (in lb/hour) estimated for each hour of operation (based on 8-hour block average); B) Total carbon usage for each calendar quarter; C) Carbon injection system operating parameters that are primary indicators of	Hourly	EU01, EU02	Env-A 906

**Table 8a – Applicable Recordkeeping Requirements  
Prior to Compliance Date for 40 CFR 62 Subpart FFF**

<b>Item #</b>	<b>Recordkeeping Requirement</b>	<b>Frequency of Recordkeeping</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
	carbon feed rate (e.g., screw feeder speed).			
2.	<u>General Recordkeeping Requirements for Sources with Continuous Emissions Monitoring Systems:</u> Wheelabrator Concord shall maintain records in accordance with the provisions of Env-A 800.	At each occurrence	EU01, EU02	Env-A 903.04 (new)
3.	<u>Records of Certified Operators:</u> Wheelabrator shall maintain records of the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have completed the following: A) Provisional certification by the American Society of Mechanical Engineers, including the initial and renewal dates of certification and documentation of current certification; B) Full certification by the American Society of Mechanical Engineers, including the initial and renewal dates of certification and documentation of current certification; and C) EPA municipal waste combustor operator training course, including documentation of training completion.	As applicable	Facility wide	40 CFR 62.14109 and 40 CFR 60.59b (d)(12)
4.	<u>Records of Operating Manual Review:</u> Wheelabrator Concord shall maintain records showing the names of persons who have completed a review of the operating manual, including the date of initial and subsequent annual reviews.	Annually	Facility wide	40 CFR 62.14109 and 40 CFR 60.59b (d)(13)
5.	<u>Records When Average Carbon Feed Rates Do Not Meet the Required Level:</u> Wheelabrator Concord shall maintain records of the calendar dates when the following occurs: A) Carbon feed rate does not meet the required hourly rate, including reasons for such feed rates and any corrective actions taken; and B) Carbon injection system operating parameters that are the primary indicators of the carbon feed rate are below the level(s), including reason for such occurrence and any corrective actions taken.	At each occurrence	EU01, EU02	Env-A 906
6.	<u>File of All Measurements:</u> Wheelabrator Concord shall maintain a file of all measurements, including continuous monitoring systems and performance evaluations; all continuous monitoring systems or monitoring device calibration checks; adjustments and maintenance performed on these systems or	Maintain at facility at all times	Facility wide	Temporary Permit No. FP-T-0042 and PSD Permit No. 37-121NH04



**Table 8a – Applicable Recordkeeping Requirements  
Prior to Compliance Date for 40 CFR 62 Subpart FFF**

Item #	Recordkeeping Requirement	Frequency of Recordkeeping	Applicable Emission Unit	Regulatory Cite
	devices; steam flow records and operational logs; and all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be maintained for at least five years following the date of such measurements, maintenance, reports, and records.			
7.	<u>Air Pollution Control Device Operational Records:</u> Wheelabrator Concord shall record and maintain records of all malfunctions, routine maintenance, and other downtimes of any air pollution control equipment in whole or part. These records must be available for review by DES or EPA upon request.	At each occurrence	PC01, PC02, PC03, PC04, PC05, PC06, PC07, PC08, PC09, PC10, PC11, PC12	Temporary Permit No. FP-T-0042
8.	<u>Pressure Differential Across Fabric Filter Unit:</u> Wheelabrator Concord shall record each reading of the pressure differential across the fabric filter unit in an on-site logbook. This logbook shall be readily available upon DES and/or EPA request.	Daily	PC01, PC02	Temporary Permit No. FP-T-0042
9.	<u>Fabric Filter Inspection Maintenance Records:</u> Wheelabrator Concord shall maintain records of annual inspections and subsequent maintenance of each fabric filter unit on file at the facility for review by DES and/or EPA upon request.	Annually	PC01, PC02	Temporary Permit No. FP-T-0042
10.	<u>General Recordkeeping Requirements for Combustion Devices Consuming Waste:</u> Wheelabrator Concord shall record and maintain the following information for fuel burning devices consuming waste: A) Amount of fuel (waste) consumed; B) Type of waste consumed; and C) Hours of operation of each combustion device.	Hourly	EU01, EU02	Env-A 903.03 (new)
11.	<u>General Recordkeeping Requirements for Combustion Devices Consuming Propane:</u> A) Amount of fuel consumed; B) Type of fuel consumed; and C) Sulfur content as percent sulfur by weight of fuel or in grains per 100 cubic feet of fuel.	Annually	EU01, EU02	Env-A 903.03(a)(4) (new)
12.	<u>General Recordkeeping Requirements for Sources with Continuous Emissions Monitoring Systems:</u> Wheelabrator Concord shall maintain records for the continuous emission monitoring systems in accordance with Env-A 800.	As required	EU01, EU02	Env-A 903.04 (new) and Env-A 800
13.	<u>General NO<sub>x</sub> Recordkeeping Requirements:</u>	Annually and as	EU01, EU02,	Env-A 905.02 (new)

**Table 8a – Applicable Recordkeeping Requirements  
Prior to Compliance Date for 40 CFR 62 Subpart FFF**

Item #	Recordkeeping Requirement	Frequency of Recordkeeping	Applicable Emission Unit	Regulatory Cite
	<p>Wheelabrator Concord shall record and maintain the following information:</p> <p>A) Identification of each combustion device;</p> <p>B) Operating schedule during the high ozone season for each combustion device identified in (A) above including the following:</p> <ol style="list-style-type: none"> <li>1) Hours of operation per calendar month;</li> <li>2) Days of operation per calendar month;</li> <li>3) Number of weeks of operation;</li> <li>4) Type and amount of fuel burned for each combustion device;</li> <li>5) Heat input rate in million BTU per hour; or for incinerators, in tons per hour; and</li> </ol> <p>C) NO<sub>x</sub> emissions data including the following:</p> <ol style="list-style-type: none"> <li>1) Actual NO<sub>x</sub> emissions from each combustion device identified in (A) above for the following time periods;</li> <li>2) Number of weeks of operation;               <ol style="list-style-type: none"> <li>a) Each calendar year, in tons; and</li> <li>b) A high ozone season day during that calendar year, in pounds per day; and</li> </ol> </li> <li>3) Emission factors and the origin of the emission factors used to calculate the NO<sub>x</sub> emissions.</li> </ol>	applicable		
14.	<p><u>Add-on NO<sub>x</sub> Control Equipment Records:</u> Wheelabrator Concord shall record and maintain the following information:</p> <p>A) Air pollution control device identification number, type, model number, and manufacturer;</p> <p>B) Installation date;</p> <p>C) Units controlled; and</p> <p>D) Information as to whether the control device is always in operation during operation of the fuel burning device that the control device is serving.</p>	Annually	EU01, EU02	Env-A 905.03 (new)
15.	<p><u>Record Retention:</u> Wheelabrator Concord shall retain the records required by this permit on file for a minimum of 5 years</p>	Retain for a minimum of 5 years	Facility wide	Env-A 902.01 (a) (new) and 40 CFR 70.6 (a)(3)(B)
16.	<p><u>Regulated Toxic Air Pollutant Records:</u> Wheelabrator Concord shall maintain records in accordance with the applicable method used to demonstrate compliance pursuant to Env-A 1406.</p>	Maintain at facility at all times	Facility wide	Env-A 902.01 (c) (new) (State Enforceable Only)
17.	<p><u>NSPS Recordkeeping:</u> Wheelabrator Concord shall comply with the recordkeeping requirements of 40 CFR 60.7.</p>	As required	Facility wide	40 CFR 60.7

2. After the compliance date for 40 CFR 62 Subpart FFF listed in Section VIII J, the Permittee is subject to the Recordkeeping requirements as contained in Table 8b below:

<b>Table 8b – Applicable Recordkeeping Requirements After Compliance Date for 40 CFR 62 Subpart FFF</b>				
<b>Item #</b>	<b>Recordkeeping Requirement</b>	<b>Frequency of Recordkeeping</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
1.	<p><u>Emission Concentrations and Percent Reductions:</u> Wheelabrator Concord shall maintain records of the following information:</p> <p>A) Calendar date of each record;</p> <p>B) Emission concentrations and parameters from the continuous emission monitoring systems that should be available for submittal or review on-site by an inspector:</p> <ol style="list-style-type: none"> <li>1) All 6-minute average opacity levels;</li> <li>2) All 1-hour average sulfur dioxide emission concentrations;</li> <li>3) All 1-hour average nitrogen oxide emission concentrations;</li> <li>4) All 1-hour average carbon monoxide emission concentrations;</li> <li>5) Municipal waste combustor load measurements; and</li> <li>6) Particulate matter control device inlet temperatures.</li> </ol> <p>C) Average concentrations and percent reductions shall be computed and recorded and available for submittal to EPA and DES or for review on-site by an inspector:</p> <ol style="list-style-type: none"> <li>1) All 24-hour daily geometric average sulfur dioxide emission concentrations and all 24-hour daily geometric average percent reductions in sulfur dioxide emissions;</li> <li>2) All 24-hour daily arithmetic average nitrogen oxide emission concentrations;</li> <li>3) All 4-hour block or 24-hour daily arithmetic average carbon monoxide emission concentrations;</li> <li>4) All 4-hour block arithmetic average municipal waste combustor unit load levels; and</li> <li>5) All 4-hour block particulate matter control device inlet temperatures.</li> </ol>	Continuously	EU01, EU02	40 CFR 62.14109 and 40 CFR 60.59b (d)(1) and (2)
2.	<p><u>Exceedances:</u> Wheelabrator Concord shall maintain records of the following information when any of the average emission concentrations, percent</p>	For each occurrence	EU01, EU02	40 CFR 62.14109 and 40 CFR 60.59b (d)(3)

**Table 8b – Applicable Recordkeeping Requirements  
After Compliance Date for 40 CFR 62 Subpart FFF**

Item #	Recordkeeping Requirement	Frequency of Recordkeeping	Applicable Emission Unit	Regulatory Cite
	reductions, operating parameters, or opacity levels are above the applicable limits: A) Calendar date; B) Reason for exceedance; and C) Description of corrective actions.			
3.	<u>Carbon Feed Rate:</u> Wheelabrator Concord shall maintain records of the following information: A) Average carbon mass feed rate (in lb/hour) estimated during the initial mercury performance test and all subsequent annual performance tests, with supporting calculations; B) Average carbon mass feed rate (in lb/hour) estimated as required during the initial dioxin/furan performance test and all subsequent annual performance tests, with supporting calculations; C) Average carbon mass feed rate (in lb/hour) estimated for each hour of operation (based upon 8-hour block average); D) Total carbon usage for each calendar quarter; E) Carbon injection system operating parameters that are primary indicators of carbon feed rate (e.g., screw feeder speed).	Hourly	EU01, EU02	40 CFR 62.14109 and 40 CFR 60.59b (d)(4)
4.	<u>Date When Minimum Hours of Data Collection Not Obtained:</u> Wheelabrator Concord shall maintain records of the calendar dates when the minimum hours of any of the following data was not obtained: A) Sulfur dioxide emissions data; B) Nitrogen oxide emissions data; C) Carbon monoxide emissions data; D) Municipal waste combustor unit load data; and E) Particulate matter control device temperature data.	At each occurrence	EU01, EU02	40 CFR 62.14109 and 40 CFR 60.59b (d)(6)
5.	<u>Excluded Data from Average Emission Concentrations and Parameters:</u> Wheelabrator Concord shall maintain records of each occurrence when the following data is excluded from the calculation of average emission concentrations or parameters and the reason for the exclusion: A) Sulfur dioxide emissions data; B) Nitrogen oxide emissions data; or C) Operational data including the following:	At each occurrence	EU01, EU02	40 CFR 62.14109 and 40 CFR 60.59b (d)(7)

<b>Table 8b – Applicable Recordkeeping Requirements After Compliance Date for 40 CFR 62 Subpart FFF</b>				
<b>Item #</b>	<b>Recordkeeping Requirement</b>	<b>Frequency of Recordkeeping</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
	1) Carbon monoxide emissions data; 2) Unit load; and 3) Particulate control device inlet temperature.			
6.	<u>Daily Drift Tests and Quarterly Accuracy Determinations:</u> Wheelabrator Concord shall maintain records of the daily drift tests and quarterly accuracy determinations for sulfur dioxide, nitrogen oxides, and carbon monoxide continuous emission monitoring systems.	Daily and Quarterly	EU01, EU02	40 CFR 62.14109 and 40 CFR 60.59b (d)(8)
7.	<u>Initial and Annual Performance Test Results:</u> Wheelabrator Concord shall record the test reports documenting the results of the initial and subsequent annual performance tests.	Annually	EU01, EU02	40 CFR 62.14109, 40 CFR 60.59b (d)(9)
8.	<u>Records of Certified Operators:</u> Wheelabrator shall maintain records of the names of the municipal waste combustor chief facility operator, shift supervisors, and control room operators who have completed the following: A) Provisional certification by the American Society of Mechanical Engineers, including the initial and renewal dates of certification and documentation of current certification; B) Full certification by the American Society of Mechanical Engineers, including the initial and renewal dates of certification and documentation of current certification; and C) EPA municipal waste combustor operator training course, including documentation of training completion.	As applicable	Facility wide	40 CFR 62.14109 and 40 CFR 60.59b (d)(12)
9.	<u>Records of Operating Manual Review:</u> Wheelabrator Concord shall maintain records showing the names of persons who have completed a review of the operating manual, including the date of initial and subsequent annual reviews.	Annually	Facility wide	40 CFR 62.14109 and 40 CFR 60.59b (d)(13)
10.	<u>Records When Average Carbon Feed Rates Do Not Meet the Required Level:</u> Wheelabrator Concord shall maintain records of the calendar dates when the following occurs: A) Carbon feed rate does not meet the hourly rate as estimated at the performance tests, including reasons for such feed rates and any corrective actions taken; and B) Carbon injection system operating parameters that are the primary indicators of	At each occurrence	EU01, EU02	40 CFR 62.14109 and 40 CFR 60.59b (d)(14)

**Table 8b – Applicable Recordkeeping Requirements  
After Compliance Date for 40 CFR 62 Subpart FFF**

Item #	Recordkeeping Requirement	Frequency of Recordkeeping	Applicable Emission Unit	Regulatory Cite
	the carbon feed rate are below the level(s) estimated during the performance test, including reason for such occurrence and any corrective actions taken.			
11.	<u>Records When Average Carbon Feed Rates Do Not Meet the Optimal Level:</u> Wheelabrator Concord shall maintain records of the calendar dates when the following occurs: A) Carbon feed rate does not meet the optimal level as estimated at the performance tests, including reasons for such feed rates and any corrective actions taken; and B) Carbon injection system operating parameters that are the primary indicators of the carbon feed rate are below the level(s) estimated during the performance test, including reason for such occurrence and any corrective actions taken.	At each occurrence	EU01, EU02	Env-A 906 (State Enforceable Only)
12.	<u>File of All Measurements:</u> Wheelabrator Concord shall maintain a file of all measurements, including continuous monitoring systems and performance evaluations; all continuous monitoring systems or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; steam flow records and operational logs; and all other information required by 40 CFR 60 recorded in a permanent form suitable for inspection. The file shall be maintained for at least five years following the date of such measurements, maintenance, reports, and records.	Maintain at facility at all times	Facility wide	Temporary Permit No. FP-T-0042
13.	<u>Air Pollution Control Device Operational Records:</u> Wheelabrator Concord shall record and maintain records of all malfunctions, routine maintenance, and other downtimes of any air pollution control equipment in whole or part. These records must be available for review by DES or EPA upon request.	At each occurrence	PC01, PC02, PC03, PC04, PC05, PC06, PC07, PC08, PC09, PC10, PC11, PC12	Temporary Permit No. FP-T-0042
14.	<u>Pressure Differential Across Fabric Filter Unit:</u> Wheelabrator Concord shall record each reading of the pressure differential across the fabric filter unit in an on-site logbook. This logbook shall be readily available upon DES and/or EPA request.	Daily	PC01, PC02	Temporary Permit No. FP-T-0042
15.	<u>Fabric Filter Inspection Maintenance Records:</u> Wheelabrator Concord shall maintain records of	Annually	PC01, PC02	Temporary Permit No. FP-T-0042

**Table 8b – Applicable Recordkeeping Requirements  
After Compliance Date for 40 CFR 62 Subpart FFF**

Item #	Recordkeeping Requirement	Frequency of Recordkeeping	Applicable Emission Unit	Regulatory Cite
	annual inspections and subsequent maintenance of each fabric filter unit on file at the facility for review by DES and/or EPA upon request.			
16.	<u>General Recordkeeping Requirements for Combustion Devices consuming waste:</u> Wheelabrator Concord shall record and maintain the following information for fuel burning devices consuming waste: A) Amount of fuel (waste) consumed; B) Type of waste consumed; and C) Hours of operation of each combustion device.	Hourly	EU01, EU02	Env-A 903.03 (new)
17.	<u>General Recordkeeping Requirements for Combustion Devices Consuming Propane:</u> A) Amount of fuel consumed; B) Type of fuel consumed; and C) Sulfur content as percent sulfur by weight of fuel or in grains per 100 cubic feet of fuel.	Annually	EU01, EU02	Env-A 903.03(a)(4) (new)
18.	<u>General Recordkeeping Requirements for Sources with Continuous Emissions Monitoring Systems:</u> Wheelabrator Concord shall maintain records for the continuous emission monitoring systems in accordance with the provisions of 40 CFR 62 Subpart FFF.	As required	EU01, EU02	Env-A 903.04 (new), Env-A 800, and 40 CFR 62 Subpart FFF
19.	<u>General NOx Recordkeeping Requirements:</u> Wheelabrator Concord shall record and maintain the following information: A) Identification of each combustion device; B) Operating schedule during the high ozone season for each combustion device identified in (A) above including the following: 1) Hours of operation per calendar month; 2) Days of operation per calendar month; 3) Number of weeks of operation; 4) Type and amount of fuel burned for each combustion device; 5) Heat input rate in million BTU per hour; or for incinerators, in tons per hour; and C) NOx emissions data including the following: 1) Actual NOx emissions from each combustion device identified in (A) above for the following time periods; 2) Number of weeks of operation; a) Each calendar year, in tons; and b) A high ozone season day during that calendar year, in pounds per day; and	Annually and as applicable	EU01, EU02,	Env-A 905.02 (new)

<b>Table 8b – Applicable Recordkeeping Requirements After Compliance Date for 40 CFR 62 Subpart FFF</b>				
<b>Item #</b>	<b>Recordkeeping Requirement</b>	<b>Frequency of Recordkeeping</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
	3) Emission factors and the origin of the emission factors used to calculate the NO <sub>x</sub> emissions.			
20.	<u>Add-on NO<sub>x</sub> Control Equipment Records:</u> Wheelabrator Concord shall record and maintain the following information: A) Air pollution control device identification number, type, model number, and manufacturer; B) Installation date; C) Units controlled; and D) Information as to whether the control device is always in operation during operation of the fuel burning device that the control device is serving.	Annually	EU01, EU02	Env-A 905.03 (new)
21.	<u>Record Retention:</u> Wheelabrator Concord shall retain the records required by this permit on file for a minimum of 5 years	Retain for a minimum of 5 years	Facility wide	Env-A 902.01 (a) (new) and 40 CFR 70.6 (a)(3)(B)
22.	<u>Regulated Toxic Air Pollutant Records:</u> Wheelabrator Concord shall maintain records in accordance with the applicable method used to demonstrate compliance pursuant to Env-A 1406.	Maintain at facility at all times	Facility wide	Env-A 902.01 (c) (new) (State Enforceable Only)
23.	<u>NSPS Recordkeeping:</u> Wheelabrator Concord shall comply with the recordkeeping requirements of 40 CFR 60.7	As required	Facility wide	40 CFR 60.7

## H. Reporting Requirements

1. Prior to the compliance date for 40 CFR 62 Subpart FFF listed in Section VIII J, the Permittee is subject to the federally enforceable reporting requirements identified in Table 9a below:

<b>Table 9a – Applicable Reporting Requirements Prior to Compliance Date for 40 CFR 62 Subpart FFF</b>				
<b>Item #</b>	<b>Reporting Requirement</b>	<b>Frequency of Reporting</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
1.	<u>Quarterly Excess Emissions Report:</u> Wheelabrator Concord shall submit a written report of all excess emissions to DES for every calendar quarter. The report shall include the following information: A) The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors used, the date and time of commencement and completion of each time period of excess emissions. B) Specific identification of each period of excess emissions that occurs during start-ups,	Every calendar quarter	Facility wide	Temporary Permit No. FP-T-0042



**Table 9a – Applicable Reporting Requirements  
Prior to Compliance Date for 40 CFR 62 Subpart FFF**

Item #	Reporting Requirement	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite
	<p>shutdowns, and malfunctions of the boiler/boiler system. The nature and cause of any malfunction (if known) and the corrective action taken or preventative measures adopted shall also be reported.</p> <p>C) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks, and the nature of the system repairs or adjustments.</p> <p>D) When no excess emissions have occurred or the continuous monitoring system was inoperative, repaired, or adjusted, such information shall be stated in the report.</p> <p>E) The first 3-minute time block in any calendar hour in excess of 20% opacity will not be considered an excess emission. Any subsequent 3-minute time block in the same calendar hour in exceedance of 20 % opacity shall be considered an excess emission. To be considered an excess emission, the subsequent time block in the same calendar hour in excess of the opacity standard does not have to be consecutive in occurrence with the first exceedance.</p> <p>F) Gaseous excess emissions shall be defined as follows:</p> <ol style="list-style-type: none"> <li>1) SO<sub>2</sub> averaged over a rolling 24-hour period.</li> <li>2) NO<sub>x</sub> averaged over a rolling 24-hour period.</li> <li>3) CO over an 8-hour and a 4-day rolling average.</li> </ol> <p>G) Excess emissions indicated by the CEM system shall be considered a violation of the applicable emission limit for the purpose of this permit.</p> <p>H) Calendar quarter propane usage to verify compliance with total propane usage limitations listed in Section VIII C.</p>			
2.	<p><u>General Reporting Requirements:</u> Wheelabrator Concord shall submit an annual emissions report, which shall include the following information:</p> <p>A) Actual emissions and the methods used in calculating such emissions in accordance with Env-A 704.02;</p> <p>B) All information in accordance with Env-A 903.03 as specified in Table 8; and</p> <p>C) Actual annual emissions speciated by individual</p>	Annually (no later than April 15 <sup>th</sup> of the following year)	Facility wide	Env-A 907.01 (new)

**Table 9a – Applicable Reporting Requirements  
Prior to Compliance Date for 40 CFR 62 Subpart FFF**

<b>Item #</b>	<b>Reporting Requirement</b>	<b>Frequency of Reporting</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
	regulated air pollutants, including a breakdown of VOC emissions by compound.			
3.	<u>NOx Reporting Requirements:</u> Wheelabrator Concord shall submit reports of the NOx records kept pursuant to the Section VIII.G. Table 8.	Annually (no later than April 15 <sup>th</sup> of the following year)	Facility wide	Env-A 901.09 (old) and Env-A 909 (new)
4.	<u>Certification by a Responsible Official:</u> Any report or compliance certification submitted to the DES and/or EPA shall contain certification by a responsible official of truth, accuracy, and completeness as outlined in Section XXI.B of this permit	As specified	Facility wide	40 CFR 70.5 (d)
5.	<u>Annual Reporting and Emissions Fees:</u> Wheelabrator Concord shall submit annual reports and payment of emission-based fees in accordance with Section XXIII of this permit.	Annually— Reporting by April 15 <sup>th</sup> and payment by October 15 <sup>th</sup>	Facility wide	Env-907.01 (new) and Env-A 704.03 and 704.04
6.	<u>Annual Compliance Certification:</u> Wheelabrator Concord shall submit annual compliance certification in accordance with Section XXI for this permit.	April 15 <sup>th</sup>	Facility wide	40 CFR 70.6(c)(1)
7.	<u>Prompt Reporting of Permit Deviations:</u> Wheelabrator Concord shall promptly report deviations from permit requirements that result in excess emissions within 24 hours of such an occurrence by phone or fax in accordance with Section XXVIII of this permit and Env-A 911 (new).	Within 24 hours of occurrence	Facility wide	Env-A 911 (new) and 40 CFR 70.6 (a)(3)(iii)(B)
8.	<u>Summary Report of Monitoring, Testing, and Permit Deviations:</u> Wheelabrator Concord shall submit to DES a summary report of any required monitoring and testing at least every 6 months. All instances of permit deviations from permit requirements must be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with 40 CFR 70.5(d). The report shall contain a summary of the monitoring and testing and any permit deviations.	July 31 <sup>st</sup> and January 31 <sup>st</sup>	Facility wide	40 CFR 70.6(a)(3)(iii)(A)
9.	<u>NSPS Notification Requirements:</u> Wheelabrator shall comply with the notification requirements of 40 CFR 60.7.	As required	Facility wide	40 CFR 60.7

2. After the compliance date for 40 CFR 62 Subpart FFF listed in Section VIII J, the Permittee is subject to the federally enforceable reporting requirements identified in Table 9b below:

**Table 9b – Applicable Reporting Requirements**  
**After Compliance Date for 40 CFR 62 Subpart FFF**

Item #	Reporting Requirement	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite
1.	<u>Initial Performance Test Report:</u> Wheelabrator Concord shall submit the following information to DES and EPA: A) The test data as recorded for the initial performance report; B) The performance evaluation of the CEMS; C) The maximum demonstrated municipal waste combustor unit load and the maximum demonstrated particulate matter control device inlet temperatures; and D) The average and optimized carbon feed rate.	After initial performance test	EU01, EU02	40 CFR 62.14109 and 60.59b (f)
2.	<u>Quarterly Excess Emissions Report:</u> Wheelabrator Concord shall submit a written report of all excess emissions to DES for every calendar quarter. The report shall include the following information: A) The magnitude of excess emissions computed in accordance with 40 CFR 60.13(h), any conversion factors used, the date and time of commencement and completion of each time period of excess emissions. B) Specific identification of each period of excess emissions that occurs during start-ups, shutdowns, and malfunctions of the boiler/boiler system. The nature and cause of any malfunction (if known) and the corrective action taken or preventative measures adopted shall also be reported. C) The date and time identifying each period during which the continuous monitoring system was inoperative and the nature of the system repairs or adjustments. D) When no excess emissions have occurred or the continuous monitoring system was inoperative, repaired, or adjusted, such information shall be stated in the report. E) The first 6-minute time block in any calendar hour in excess of 10% opacity will not be considered an excess emission. F) Gaseous excess emissions shall be defined as follows: 1) SO <sub>2</sub> averaged over a 24-hour geometric mean. 2) NO <sub>x</sub> averaged over a 24-hour block arithmetic mean. 3) CO over a 4-hour block arithmetic average. G) Excess emissions indicated by the CEM system shall be considered a violation of the applicable	Every calendar quarter	Facility wide	Temporary Permit No. FP-T-0042

<b>Table 9b – Applicable Reporting Requirements</b> <b>After Compliance Date for 40 CFR 62 Subpart FFF</b>				
<b>Item #</b>	<b>Reporting Requirement</b>	<b>Frequency of Reporting</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
	emission limit for the purpose of this permit. H) Calendar quarter propane usage to verify compliance with total propane usage limitations listed in Section VIII C.			
3.	<u>Semi-Annual Report of Pollutant and Parameter Levels:</u> Wheelabrator Concord shall submit semi-annual reports of the following information to DES and EPA: A) A summary of data collected for all pollutants and parameters including the following: 1) A list of the particulate matter, opacity, cadmium, lead, mercury, dioxins/furans, hydrogen chloride, and fugitive ash emission levels achieved during the performance tests; 2) A list of the highest emission level recorded for SO <sub>2</sub> , NO <sub>x</sub> , CO, municipal waste combustor unit load level, and particulate matter control device inlet temperature; 3) List of the highest opacity level measured; 4) The total number of days that the minimum number of hours of data for SO <sub>2</sub> , NO <sub>x</sub> , CO, municipal waste combustor unit load level, and particulate matter control device inlet temperature was not obtained; 5) The number of hours that data for SO <sub>2</sub> , NO <sub>x</sub> , CO, municipal waste combustor unit load level, and particulate matter control device inlet temperature was excluded from the calculation of average emission concentrations or parameters; B) The summary of data reported under Condition A) above shall also include the same data for the previous calendar year; C) The summary of data reported under Condition A) above shall highlight any emission or parameter levels that did not achieve the applicable emission or parameter limits; D) A notification of intent to begin the alternative performance testing schedule for dioxins/furans, as applicable.	By August 1 and February 1	EU01, EU02	40 CFR 62.14109 and 60.59b (g)
4.	<u>Semi-Annual Reports of Pollutants/Parameters Not Meeting Limits:</u> Wheelabrator Concord shall submit to DES and EPA a semi-annual (paper copy) report that includes the following information as listed in Section VIII. G. Table 7:	By August 1 and February 1	EU01, EU02	40 CFR 62.14109 and 60.59b (h)

**Table 9b – Applicable Reporting Requirements  
After Compliance Date for 40 CFR 62 Subpart FFF**

Item #	Reporting Requirement	Frequency of Reporting	Applicable Emission Unit	Regulatory Cite
	A) Data for any recorded pollutant or parameter that does not comply with the applicable pollutant or parameter limit; B) A copy of any test report that documents the levels above the applicable limits and any corrective action taken; C) Information concerning the primary carbon injection system operating parameters that are indicators of the carbon mass feed rate when the levels are below that estimated during the performance tests; D) The average carbon mass feed rate for each hour of operation (based upon an 8-hour block average) in which the feed rate was below that estimated during the performance test; and E) This report shall be retained as a paper copy for 5 years; F) If the owner or operator would prefer a different semi-annual date for submitting the periodic reports, then the dates may be changed by mutual agreement between the owner or operator and EPA and DES according to the procedures of 40 CFR 60.19 (c).			
5.	<u>General Reporting Requirements:</u> Wheelabrator Concord shall submit an annual emissions report, which shall include the following information: A) Actual emissions and the methods used in calculating such emissions in accordance with Env-A 704.02; B) All information in accordance with Env-A 903.03 as specified in Table 8; and C) Actual annual emissions speciated by individual regulated air pollutants, including a breakdown of VOC emissions by compound.	Annually (no later than April 15 <sup>th</sup> of the following year)	Facility wide	Env-A 907.01 (new)
6.	<u>NOx Reporting Requirements:</u> Wheelabrator Concord shall submit reports of the NOx records kept pursuant to the Section VIII.G. Table 8.	Annually (no later than April 15 <sup>th</sup> of the following year)	Facility wide	Env-A 901.09 (old) and Env-A 909 (new)
7.	<u>Certification by a Responsible Official:</u> Any report or compliance certification submitted to the DES and/or EPA shall contain certification by a responsible official of truth, accuracy, and completeness as outlined in Section XXI.B of this permit	As specified	Facility wide	40 CFR 70.5 (d)
8.	<u>Annual Reporting and Emissions Fees:</u> Wheelabrator Concord shall submit annual reports and payment of emission-based fees in accordance with Section XXIII of this permit.	Annually— Reporting by April 15 <sup>th</sup> and payment by October 15 <sup>th</sup>	Facility wide	Env-907.01 (new) and Env-A 704.03 and 704.04
9.	<u>Annual Compliance Certification:</u> Wheelabrator	April 15 <sup>th</sup>	Facility wide	40 CFR 70.6(c)(1)

**Table 9b – Applicable Reporting Requirements  
After Compliance Date for 40 CFR 62 Subpart FFF**

<b>Item #</b>	<b>Reporting Requirement</b>	<b>Frequency of Reporting</b>	<b>Applicable Emission Unit</b>	<b>Regulatory Cite</b>
	Concord shall submit annual compliance certification in accordance with Section XXI for this permit.			
10.	<u>Prompt Reporting of Permit Deviations:</u> Wheelabrator Concord shall promptly report deviations from permit requirements that result in excess emissions within 24 hours of such an occurrence by phone or fax in accordance with Section XXVIII of this permit and Env-A 911 (new).	Within 24 hours of occurrence	Facility wide	Env-A 911 (new) and 40 CFR 70.6 (a)(3)(iii)(B)
11.	<u>Summary Report of Monitoring, Testing, and Permit Deviations:</u> Wheelabrator Concord shall submit to DES a summary report of any required monitoring and testing at least every 6 months. All instances of permit deviations from permit requirements must be clearly identified in such reports. All required reports shall be certified by a responsible official consistent with 40 CFR 70.5(d). The report shall contain a summary of the monitoring and testing and any permit deviations.	July 31 <sup>st</sup> and January 31 <sup>st</sup>	Facility wide	40 CFR 70.6(a)(3)(iii)(A)
12.	<u>NSPS Notification Requirements:</u> Wheelabrator shall comply with the notification requirements of 40 CFR 60.7.	As required	Facility wide	40 CFR 60.7

## **I. Compliance Plan**

Wheelabrator Concord shall submit a plan according to the compliance schedule set forth in Section VIII J of this permit for achieving compliance with the mercury emission limitation of 0.028 mg/dscm or 85% reduction.<sup>13</sup>

## **J. Compliance Schedule**

1. As provided for under 40 CFR 62.14108(b) and 62.14109(m), Wheelabrator Concord requested and shall be subject to the following alternative dates of compliance for increments of progress to comply with the requirements as set forth in 40 CFR 62 Subpart FFF:
  - a) Increment 2, Award Contracts, shall be completed no later than November 1, 1999 (Increment completed).
  - b) Increment 3, Begin Onsite Construction, shall be implemented no later than May 3, 2000 (Increment completed).
  - c) Increment 4, Complete Onsite Construction, shall be completed no later than November 19, 2000 (Increment completed).
  - d) Increment 5, Final Compliance shall be set as December 19, 2000.

<sup>13</sup> This requirement is state enforceable only.

2. The final compliance date for the mercury emission limitation of 0.08 mg/dscm or 85% reduction shall be 180 days after Temporary Permit No. FP-T-0042 issuance or May 15, 2000, whichever is earlier (Action completed).
3. The final compliance date for dioxins/furans shall be December 19, 2000.
4. By July 1, 2000, Wheelabrator Concord shall submit a plan for achieving compliance with the mercury emission limitation of 0.028 mg/dscm or 85% reduction as set forth by HB 625 (enrolled 1/13/2000) (Action completed).<sup>14</sup>
5. By January 1, 2001, Wheelabrator Concord shall achieve compliance with the 0.028 mg/dscm or 85% reduction as set forth by HB 625 (enrolled 1/13/2000).<sup>15</sup>

#### **IX. Requirements Currently Not Applicable**

The Permittee did not identify any requirements that are not applicable to the facility.

### **General Title V Operating Permit Conditions**

#### **X. Issuance of a Title V Operating Permit**

- A. This Permit is issued in accordance with the provisions of Part Env-A 609. In accordance with 40 CFR 70.6(a)(2) this Permit shall expire on the date specified on the cover page of this Permit, which shall not be later than the date five (5) years after issuance of this Permit.

Permit expiration terminates the Permittee's right to operate the Permittee's emission units, control equipment or associated equipment covered by this permit, unless a timely and complete renewal application is submitted at least 6 months before the expiration date.

- B. Pursuant to Env-A 609.02(b), this Permit shall be a state permit to operate as defined in RSA 125-C:11, III.

#### **XI. Title V Operating Permit Renewal Procedures**

Pursuant to Env-A 609.06(b), an application for renewal of this Permit shall be considered timely if it is submitted to the Director at least six months prior to the designated expiration date of this Permit.

#### **XII. Application Shield**

Pursuant to Env-A 609.07, if an applicant submits a timely and complete application for the issuance or renewal of a Permit, the failure to have a Permit shall not be considered a violation of this part until the Director takes final action on the application.

#### **XIII. Permit Shield**

<sup>14</sup> This requirement is state enforceable only.

<sup>15</sup> This requirement is state enforceable only.

- A.** Pursuant to Env-A 609.08(a), a permit shield shall provide that:
  1. For any applicable requirement or any state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically included in this Permit, compliance with the conditions of this Permit shall be deemed compliance with said applicable requirement or said state requirement as of the date of permit issuance; and
  2. For any potential applicable requirement or any potential state requirement found in the New Hampshire Rules Governing the Control of Air Pollution specifically identified in this Title V Operating Permit Section IX as not applicable to the stationary source or area source, the Permittee need not comply with the specifically identified federal or state requirements.
- B.** The permit shield identified in Section XIII.A. of this Permit shall apply only to those conditions incorporated into this Permit in accordance with the provisions of Env-A 609.08(b). It shall not apply to certain conditions as specified in Env-A 609.08(c) that may be incorporated into this Permit following permit issuance by DES.
- C.** If a Title V Operating Permit and amendments there to issued by the DES does not expressly include or exclude an applicable requirement or a state requirement found in the NH Rules Governing the Control of Air Pollution, that applicable requirement or state requirement shall not be covered by the permit shield and the Permittee shall comply with the provisions of said requirement to the extent that it applies to the Permittee.
- D.** If the DES determines that this Title V Operating Permit was issued based upon inaccurate or incomplete information provided by the applicant or Permittee, any permit shield provisions in said Title V Operating Permit shall be void as to the portions of said Title V Operating Permit which are affected, directly or indirectly, by the inaccurate or incomplete information.
- E.** Pursuant to Env-A 609.08(f), nothing contained in Section XIII of this Permit shall alter or affect the ability of the DES to reopen this Permit for cause in accordance with Env-A 609.18 or to exercise its summary abatement authority.
- F.** Pursuant to Env-A 609.08(g), nothing contained in this section or in any title V operating permit issued by the DES shall alter or affect the following:
  1. The ability of the DES to order abatement requiring immediate compliance with applicable requirements upon finding that there is an imminent and substantial endangerment to public health, welfare, or the environment;
  2. The state of New Hampshire's ability to bring an enforcement action pursuant to RSA 125-C:15,II;
  3. The provisions of section 303 of the Act regarding emergency orders including the authority of the EPA Administrator under that section;
  4. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
  5. The applicable requirements of the acid rain program, consistent with section 408(a) of the Act;
  6. The ability of the DES or the EPA Administrator to obtain information about a stationary source,



area source, or device from the owner or operator pursuant to section 114 of the Act; or

7. The ability of the DES or the EPA Administrator to enter, inspect, and/or monitor a stationary source, area source, or device.

#### **XIV. Reopening for Cause**

The Director shall reopen and revise a Title V Operating Permit for cause if any of the circumstances contained in Env-A 609.18(a) exist. In all proceedings to reopen and reissue a Title V Operating Permit, the Director shall follow the provisions specified in Env-A 609.18(b) through (g).

#### **XV. Administrative Permit Amendments**

- A. Pursuant to Env-A 612.01, the Permittee may implement the changes addressed in the request for an administrative permit amendment as defined in Part Env-A 100 immediately upon submittal of the request.
- B. Pursuant to Env-A 612.01, the Director shall take final action on a request for an administrative permit amendment in accordance with the provisions of Env-A 612.01(b) and (c).

#### **XVI. Operational Flexibility**

- A. Pursuant to Env-A 612.02(a), the Permittee subject to and operating under this Title V Operating Permit may make changes involving trading of emissions under this existing Title V Operating Permit at the permitted stationary source or area source without filing a Title V Operating Permit application for and obtaining an amended Title V Operating Permit, provided that all the conditions are met as specified in section XVI. A. 1. through 7. of this permit and a notice is submitted to the DES and EPA describing the intended changes. At this point, DES has not included any permit terms authorizing emissions trading in this permit.
  1. The change is not a modification under any provision of title I of the Act;
  2. The change does not cause emissions to exceed the emissions allowable under the title V operating permit, whether expressed therein as a rate of emissions or in terms of total emissions;
  3. The owner or operator has obtained any temporary permit required by Env-A 600;
  4. The owner or operator has provided written notification to the director and administrator at least 15 days prior to the proposed change and such written notification includes:
    - a) The date on which each proposed change will occur;
    - b) A description of each such change;
    - c) Any change in emissions that will result and how this change in emissions will comply with the terms and conditions of the permit;
    - d) A written request that the operational flexibility procedures be used; and
    - e) The signature of the responsible official, consistent with Env-A 605.04(b);
  5. The Title V Operating Permit issued to the stationary source or area source already contains terms and conditions including all terms and conditions which determine compliance required under 40 CFR 70.6(a) and (c) and which allow for the trading of emissions increases and

decreases at the permitted stationary source or area source solely for the purpose of complying with a federally-enforceable emissions cap that is established in the permit independent of otherwise applicable requirements;

6. The owner or operator has included in the application for the Title V Operating Permit proposed replicable procedures and proposed permit terms which ensure that the emissions trades are quantifiable and federally enforceable for changes to the Title V Operating Permit which qualify under a federally- enforceable emissions cap that is established in the Title V Operating Permit independent of the otherwise applicable requirements; and
  7. The proposed change complies with Env-A 612.02 (e).
- B.** Pursuant to Env-A 612.02(c), the Permittee subject to and operating under this Title V Operating Permit may make changes not addressed or prohibited by this existing Title V Operating Permit at the permitted stationary source or area source without filing a Title V Operating Permit application, provided that all the conditions specified in Env-A 612.02(c)(1) through (6) are met and a notice is submitted to the DES and EPA describing the intended changes.
  - C.** Pursuant to Env-A 612.02(d), the Permittee, Operator, Director and Administrator shall attach each notice of an off-permit change completed in accordance with Section XVI of this Title V Operating Permit to their copy of the current Title V Operating Permit.
  - D.** Pursuant to Env-A 612.02(e), any change under Section XVI shall not exceed any emissions limitations established under the NH Rules Governing the Control of Air Pollution, or result in an increase in emissions, or result in new emissions, of any toxic air pollutant or hazardous air pollutant other than those listed in the existing Permit.
  - E.** Pursuant to Env-A 612.02(f), the off-permit change shall not qualify for the permit shield under Env-A 609.08.

## **XVII. Minor Permit Amendments**

- A.** Pursuant to Env-A 612.04 prior to implementing a minor permit modification, the Permittee shall submit a written request to the Director in accordance with the requirements of Env-A 612.04(b).
- B.** The Director shall take final action on the minor permit amendment request in accordance with the provisions of Env-A 612.04(c) through (g).
- C.** Pursuant to Env-A 612.04(g), the permit shield specified in Env-A 609.08 shall not apply to minor permit amendments under Section XVII. of this Permit.
- D.** Pursuant to Env-A 612.04(I), the Permittee shall be subject to the provisions of Part Env-A 614 and Part Env-A 615 if the change is made prior to the filing with the Director a request for a minor permit amendment.

## **XVIII. Significant Permit Amendments**

- A. Pursuant to Env-A 612.05, a change at the facility shall qualify as a significant permit amendment if it meets the criteria specified in Env-A 612.05(a)(1) through (7).
- B. Prior to implementing the significant permit amendment, the Permittee shall submit a written request to the Director which includes all the information as referenced in Env-A 612.05(b) and (c) and shall be issued an amended Title V Operating Permit from the DES. The Permittee shall be subject to the provisions of Env-A 614 and Env-A 615 if a request for a significant permit amendment is not filed with the Director and/or the change is made prior to the issuance of an amended Title V Operating Permit.
- C. The Director shall take final action on the significant permit amendment in accordance with the Procedures specified in Env-A 612.05(d), (e) and (f).

**XIX. Title V Operating Permit Suspension, Revocation or Nullification**

- A. Pursuant to RSA 125-C:13, the Director may suspend or revoke any final permit issued hereunder if, following a hearing, the Director determines that:
  - 1. the Permittee has committed a violation of any applicable statute or state requirement found in the New Hampshire Rules Governing the Control of Air Pollution, order or permit condition in force and applicable to it; or
  - 2. that the emissions from any device to which this Permit applies, alone or in conjunction with other sources of the same pollutants, presents an immediate danger to the public health.
- B. The Director shall nullify any Permit, if following a hearing in accordance with RSA 541-A:30, II, a finding is made that the Permit was issued in whole or in part based upon any information proven to be intentionally false or misleading.

**XX. Inspection and Entry**

Pursuant to Env-A 614.01, EPA and DES personnel shall be granted access to the facility covered by this Permit, in accordance with RSA 125-C:6,VII for the purposes of: inspecting the proposed or permitted site; investigating a complaint; and assuring compliance with any applicable requirement or state requirement found in the NH Rules Governing the Control of Air Pollution and/or conditions of any Permit issued pursuant to Chapter Env-A 600.

**XXI. Certifications**

**A. Compliance Certification Report**

In accordance with 40 CFR 70.6(c) the Responsible Official shall certify, for the previous calendar year, that the facility is in compliance with the requirements of this permit. The report shall be submitted annually, no later than April 15th of the following year. The report shall be submitted to the DES and to the U.S. Environmental Protection Agency - New England Region. The report shall be submitted in compliance with the submission requirements below.

In accordance with 40 CFR 70.6(c)(5), the report shall describe:

1. The terms and conditions of the Permit that are the basis of the certification;
2. The current compliance status of the source with respect to the terms and conditions of this Permit, and whether the method was continuous or intermittent during the reporting period;
3. The methods used for determining compliance, including a description of the monitoring, record keeping, and reporting requirements and test methods; and
4. Any additional information required by the DES to determine the compliance status of the source.

## **B. Certification of Accuracy Statement**

All documents submitted to the DES shall contain a certification of accuracy statement by the responsible official of truth, accuracy, and completeness. Such certification shall be in accordance with the requirements of 40 CFR 70.5(d) and contain the following language:

"I am authorized to make this submission on behalf of the facility for which the submission is made. Based on information and belief formed after reasonable inquiry, I certify that the statements and information in the enclosed documents are to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

All reports submitted to DES (except those submitted as emission based fees as outlined in Section XXIII of this Permit) shall be submitted to the following address:

New Hampshire Department of Environmental Services  
Air Resources Division  
6 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095  
ATTN: Mary Ruel, Compliance Bureau

All reports submitted to EPA shall be submitted to the following address:

Office of Environmental Stewardship  
Director Air Compliance Program  
United States Environmental Protection Agency  
1 Congress Street  
Suite 1100 (SEA)  
Boston, MA 02114-2023  
ATTN: Air Compliance Clerk

## **XXII. Enforcement**

Any noncompliance with a permit condition constitutes a violation of RSA 125-C:15, and, as to the

conditions in this permit which are federally enforceable, a violation of the Clean Air Act, 42 U.S.C. Section 7401 et seq., and is grounds for enforcement action, for permit termination or revocation, or for denial of an operating permit renewal application by the DES and/or EPA. Noncompliance may also be grounds for assessment of administrative, civil or criminal penalties in accordance with RSA 125-C:15 and/or the Clean Air Act. This Permit does not relieve the Permittee from the obligation to comply with any other provisions of RSA 125-C, the New Hampshire Rules Governing the Control of Air Pollution, or the Clean Air Act, or to obtain any other necessary authorizations from other governmental agencies, or to comply with all other applicable Federal, State, or Local rules and regulations, not addressed in this Permit.

In accordance with 40 CFR 70.6 (a)(6)(ii) a Permittee shall not claim as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

### **XXIII. Emission-Based Fee Requirements**

- A.** The Permittee shall pay an emission-based fee annually for this facility as calculated each calendar year pursuant to Env-A 704.03.
- B.** The Permittee shall determine the total actual annual emissions from the facility to be included in the emission-based multiplier specified in Env-A 704.03(a) for each calendar year in accordance with the methods specified in Env-A 620.
- C.** The Permittee shall calculate the annual emission-based fee for each calendar year in accordance with

$$FEE = E * DPT * CPI_m * ISF$$

the procedures specified in Env-A 704.03 and the following equation:

Where:

FEE =	The annual emission-based fee for each calendar year as specified in Env-A 704.
E =	The emission-based multiplier is based on the calculation of total annual emissions as specified in Env-A 704.02 and the provisions specified in Env-A 704.03(a).
DPT =	The dollar per ton fee the DES has specified in Env-A 704.03(b).
CPI <sub>m</sub> =	The Consumer Price Index Multiplier as calculated in Env-A 704.03(c).
ISF =	The Inventory Stabilization Factor as specified in Env-A 704.03(d).

- D.** The Permittee shall contact the DES each calendar year for the value of the Inventory Stabilization Factor.
- E.** The Permittee shall contact the DES each calendar year for the value of the Consumer Price Index Multiplier.
- F.** The Permittee shall submit, to the DES, payment of the emission-based fee and a summary of the calculations referenced in Sections XXIII.B. and C of this Permit for each calendar year by October 15<sup>th</sup> of the following calendar year in accordance with Env-A 704.04. The emission-based fee and summary of the calculations shall be submitted to the following address:

New Hampshire Department of Environmental Services  
Air Resources Division  
6 Hazen Drive  
P.O. Box 95  
Concord, NH 03302-0095  
ATTN.: Emissions Inventory

G. The DES shall notify the Permittee of any under payments or over payments of the annual emission-based fee in accordance with Env-A 704.05.

**XXIV. Duty To Provide Information**

In accordance with 40 CFR 70.6 (a)(6)(v), upon the DES's written request, the Permittee shall furnish, within a reasonable time, any information necessary for determining whether cause exists for modifying, revoking and reissuing, or terminating the Permit, or to determine compliance with the Permit. Upon request, the Permittee shall furnish to the DES copies of records that the Permittee is required to retain by this Permit. The Permittee may make a claim of confidentiality as to any information submitted pursuant to this condition in accordance with Part Env-A 103 at the time such information is submitted to DES. DES shall evaluate such requests in accordance with the provisions of Part Env-A 103.

**XXV. Property Rights**

Pursuant to 40 CFR 70.6 (a)(6)(iv), this Permit does not convey any property rights of any sort, or any exclusive privilege.

**XXVI. Severability Clause**

Pursuant to 40 CFR 70.6 (a)(5), the provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstances is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

**XXVII. Emergency Conditions**

Pursuant to 40 CFR 70.6 (g), the Permittee shall be shielded from enforcement action brought for noncompliance with technology based<sup>16</sup> emission limitations specified in this Permit as a result of an emergency<sup>17</sup>. In order to use emergency as an affirmative defense to an action brought for

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<sup>16</sup> Technology based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain health based air quality standards.

<sup>17</sup> An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation would require immediate corrective action to restore normal operation, and that causes the source to exceed a technology based limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operations, operator error or decision to keep operating despite knowledge of any of these things.

noncompliance, the Permittee shall demonstrate the affirmative defense through properly signed, contemporaneous operating logs, or other relevant evidence that:

- A. An emergency occurred and that the Permittee can identify the cause(s) of the emergency;
- B. The permitted facility was at the time being properly operated;
- C. During the period of the emergency, the Permittee took all reasonable steps as expeditiously as possible, to minimize levels of emissions that exceeded the emissions standards, or other requirements in this Permit; and
- D. The Permittee submitted notice of the emergency to the DES within two (2) business days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

#### **XXVIII. Permit Deviation**

In accordance with 40 CFR 70.6(a)(3)(iii)(B), the Permittee shall report to the DES all instances of deviations from Permit requirements causing excess emissions, by telephone or fax, within 24 hours of discovery of such deviation. This report shall include the deviation itself, including those attributable to upset conditions as defined in the Permit, the probable cause of such deviations, and any corrective actions or preventative measures taken. Said Permit deviation shall also be submitted in writing to the DES within fifteen (15) days of documentation of the deviation by facility personnel. Deviations are instances where any Permit condition is violated and has not already been reported as an emergency pursuant to Section XXVII of this Permit.

Reporting a Permit deviation is not an affirmative defense for action brought for noncompliance.